REPORT OF THE

NATIONAL COMMISSION ON AGRICULTURE

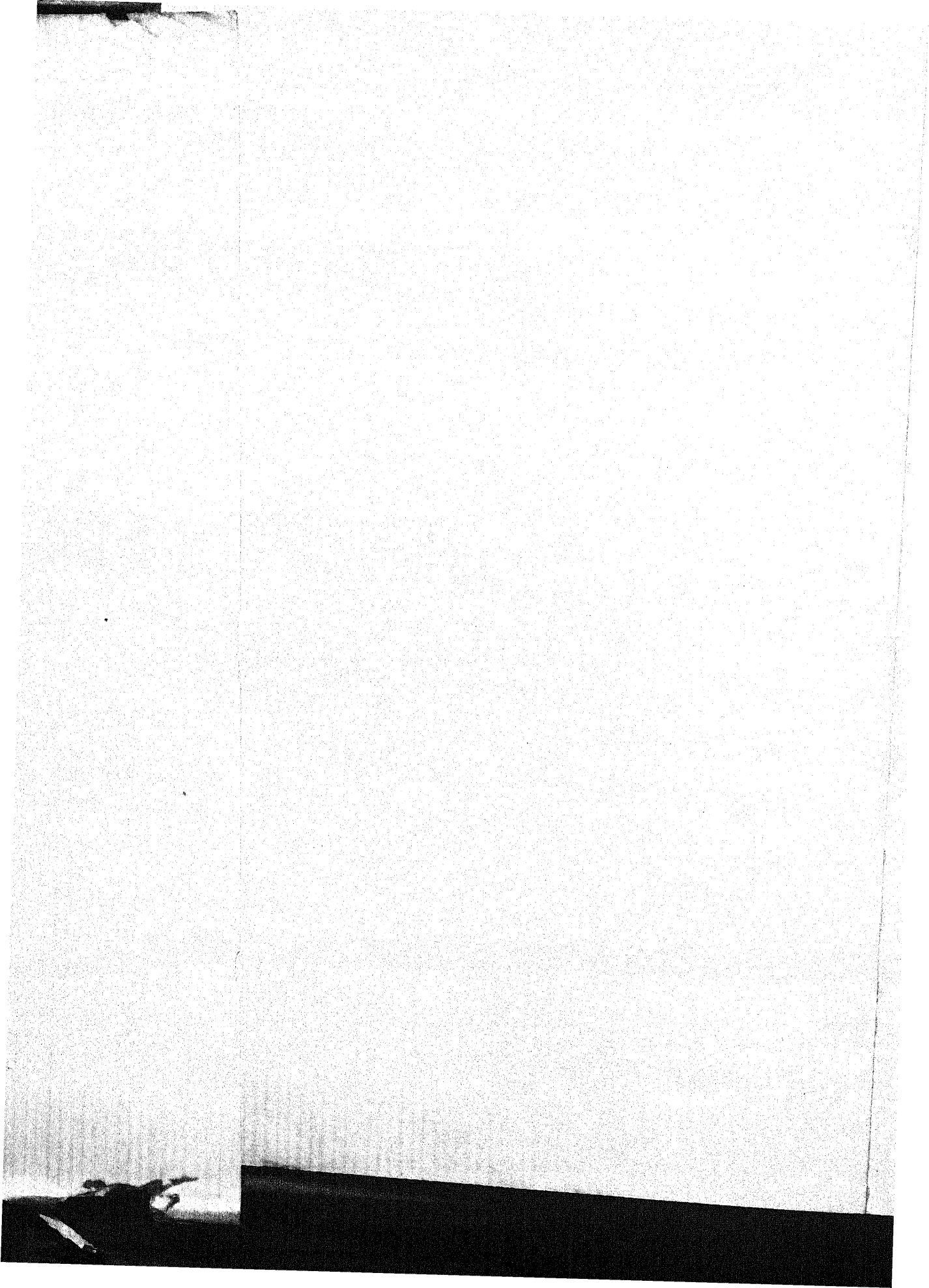
PART XV

AGRARIAN REFORMS

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PREFACE

The Report of the National Commission on Agriculture comprises 69 chapters in 15 parts. A complete list of chapters and parts is given in pages (iii), (iv) and (v). The Terms of Reference of the Commission and its composition are given in Part I—Chapter 1—Introduction.

This volume entitled 'Agrarian Reforms,' is Part XV of the Report and is divided into the following five chapters.

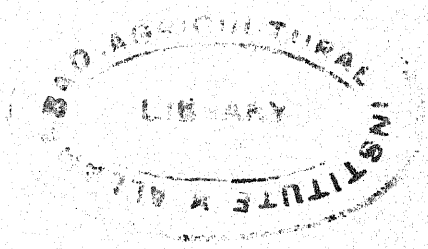
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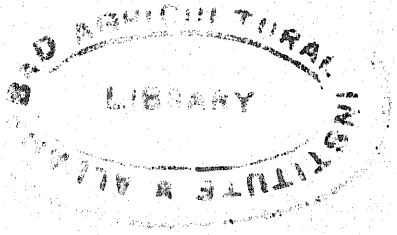
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PART XV
AGRARIAN REFORMS

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LAND REFORMS POLICY

1 PRE-INDEPENDENCE LAND TENURE SYSTEM

65.1.1 The East India Company inherited from the Mughal land revenue administration various types of land tenures and rights in land. There were, firstly, vast areas of land held by the state as *Khas* lands. Then there were *Jagirs, Inams,* etc., allotted to big feudal landlords in lieu of certain financial or military obligations towards the state. Thirdly, there were lands allotted to revenue farmers or rent collectors, commonly called Zamindars, who had to pay a fixed amount annually as land revenue to the state. Fourthly, there were lands held and cultivated by peasants who paid their land revenue directly to the government without the intervention of any intermediary. In between these categories were various tenures of a transitional or mixed character. All these put together constituted a complex pattern of land relations, with many local variations. In all these cases the state occupied the position of a super landlord.

65.1.2 Under the super landlordship of the state, the rights and obligations of each category of tenure holder were sought to be defined. The *Jagirdars* who were a part of the top ruling apparatus, held their *jagirs,* strictly speaking, on the condition that they fulfilled their political and administrative responsibilities to the satisfaction of the state. In practice, however, the *Jagirdars,* generally speaking, became the unquestioned owners of the lands allotted to them as *jagirs.*

65.1.3 Though originally the status of the zamindars was that of rent receivers or revenue farmers, they became, in due course of time, the owners of lands allotted to them. It was from amongst this class that a powerful landed aristocracy developed which entrenched itself firmly in the agrarian society of that time. The peasants or the cultivators holding land, whether directly under the state or under the landlords, enjoyed certain traditional rights which made them the virtual owners of the plots they cultivated. They enjoyed hereditary occupancy rights and could also transfer their lands, though in those days, land was generally not subject to sale and purchase. Rents

were fixed at the customary level and were not enhanced under normal conditions.

65.1.4 It is true that the land tenure system evolved by the British were genetically related to the various forms of tenure which were extent under the Mughals in the late eighteenth and early nineteenth century. But what is noteworthy is the fact that, while under the earlier regimes, land settlements were made either for maintaining or expanding agricultural production or for acquiring political influence and power; under the British, land settlements became the main instrument for increasing the revenues of the state. In fact, the land policy of the British rulers was from its very inception closely linked up with the financial exigencies of the then colonial rule in the country.

65.1.5 Utilising the institution of the State as super landlord, the British administration adopted, modified or transformed the prevailing land tenures in a manner as to secure the maximum revenue for government from land tax. They made various experiments in the field of tenurial reforms keeping in view their fundamental objective of revenue maximisation.

65.1.5 Utilising the institution of the State as super landlord, by the British *i.e.,* the zamindari and the ryotwari systems differed in form, yet the governing principle in the case of both was acquisition by the State of the maximum surplus from agricultural produce.

65.1.7 The East India Company secured zamindari rights in the first instance over the estates of Calcutta, Gobindapur and Sutanati from the Subedar Nawab Azimush Shan in 1697. Having taken over these estates it appointed Ralph Sheldon as the first British Zamindar (Revenue Collector) for that area. Unlike the earlier zamindars, the main concern of the new British Zamindar was to fill the coffers of the Company. In 1757 it extended its zamindari area and acquired the estate of 24 Parganas through a secret treaty with Mir Jafar. After Robert Clive secured from Emperor Shah Alam the Dewani of Bengal the Company acquired the status of the overlordship over all the zamindars of Bengal.

65.1.8 The zamindari system in the early phases developed as a very crude and oppressive machinery for exacting the utmost, as rent, from the working peasantry. Under the Mughals the rights of a tributary feudal landlord, commonly called zamindar, was granted by the Emperor on the basis of a promise by the landlord to pay a stipulated sum to the State annually as land revenue. The rights included the right to rule over the inhabitants of the estate, which was called the zamindari right. In the latter part of the Mughal

rule, with the weakening of the central authority, zamindari rights could also be secured directly from the provincial governors or Subedars.

65.1.9 The Company's financial requirements for meeting the cost of its expanding territorial administration began to increase rapidly and the entire land revenue system was tuned up to meet those costs. New zamindaris were created and auctioned to the highest bidder. The revenue demands of the Company became unlimited. Land revenue rates were enhanced enormously and such zamindars as could not pay the enhanced demands were ousted and replaced by new allottees. Customary rents were abolished and the zamindars were given the freedom to collect whatever they possibly could as rents. The actual cultivators were deprived of all their traditional rights, including the right of security of tenure. This process continued till 1793 when on the basis of a permanent settlement most of the old zamindars were replaced by new ones, drawn largely from urban traders, money lenders etc., who had acquired wealth and influence doing business with the Company. The mass of peasants were reduced to the status of rack rented semi serfs or bonded labour. Under these circumstances the entire agrarian structure of Bengal began to disintegrate. So widespread was the plunder and tyranny to which the peasantry was subjected that millions died in recurring famines. During the great Bengal famine of 1770 nearly 50 per cent of the agricultural population died of starvation and about 33 per cent of the land rendered waste. This was followed by three devastating famines in quick succession in the years 1784, 1787 and 1790 respectively.

65.1.10 The Permanent Settlement introduced by Lord Cornwallis in 1793 was an attempt to restore some order in the prevailing chaos and to save the internal market for British goods from the imminent ruin that it was facing due to mass pauperisation of the peasantry in rural areas. Under that settlement proprietary rights were bestowed on zamindars and land revenue demands were fixed in perpetuity. No fixation of rents was provided for, nor were occupancy rights protected. The ostensible aims of the Permanent Settlement were two, *viz.* (1) to create a class of big land owners who could be depended upon as the pillars of British rule in the country and, (2) to induce moneyed men to acquire landed property and invest capital in agriculture. It was expected that the introduction of the British pattern of landlordism would lend stability to British rule in India and would also help to develop agriculture and save the country from recurring famines. The first of these two

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expectations was fulfilled, but the second remained totally unrealised. For, the new zamindars, created under the Settlement many of whom were drawn from the class of Company's agents and *'gomasthas'* who had amassed wealth through business, profiteering and speculation, continued to live as parasites and grow rich by rack renting. The sole concern of this new class of landlords was to squeeze the maximum rents out of the peasantry. In fact, many of them started farming out their estates. In zamindari areas share cropping continued to be the dominant form of a backward agriculture.

65.1.11 The new zamindars did, indeed, act as the pillars of British Crown but the expectation that they would invest capital in agriculture was utterly belied. They resorted largely to sub-infeudation or farming out of the right to collect rent which, in Bengal and other areas where Permanent Settlement was introduced, led to the emergence of a chain of intermediaries between tht state and the tiller. Thus came into existence a class of sub-proprietors or tenure holders under the zamindars who further reinforced the system of rent exactions. The utterly rack rented peasantry of Bengal thus began to disintegrate and die out.

65.1.12 The idea of a Permanent Settlement fixing land revenue in perpetuity, however, soon fell into disrepute since it did not ensure the flow of ever increasing revenues into the coffers of the state. By 1820 the concept of proprietary estates temporarily settled had come to the fore. Regulation VII of 1822 provided for temporary settlements with landlords with periodic resettlements. Subsequent zamindari settlement in the United Provinces and other parts of country were done on that basis.

65.1.13 With the lapse of time, however, the very idea of making settlements with landlords or zamindars, whether on a permanent or a temporary basis, began to lose ground. This was partly because such settlements did not lend themselves easily to future enhancement of land revenue, and partly because they brought in their wake such intense rack renting of the peasantry that normal agricultural processes were obstructed and the internal market was pauperised, causing damage to British trade in rural areas. A more remunerative and stable land tenure system, ensuring increasing revenues to the state and some measure of stability to agricultural production was found in the so called ryotwari system.

65.1.14 Under the ryotwari system, settlement was made separately with each peasant holder of land, or ryot, who was recognised as the proprietor with the right to sublet, mortgage or transfer by gift or sale. The ryot was protected from ejectment as long as he

paid the fixed assessment to the Government. Periodic resettlements were made. The ryotwari settlement was introduced by Thomas Munro in the newly conquered territories of Madras in the first quarter of the nineteenth century. A similar settlement was introduced and developed in Bombay in that period.

65.1.15 A third type of land tenure called the mahalwari tenure was initially introduced in the United Provinces by Regulation VII of 1822 and Regulation IX of 1833, and later extended to Punjab. Under this tenure, the settlement was made with the entire village and the peasants residing there contributed, on the basis of their respective holdings, to the total revenue demand for the village. There were also other varieties of tenure arrangements of minor importance like the malguzari and maktedari tenures in the Central Provinces and Berar. They were largely variants of mahalwari settlements in the United Provinces and Punjab.

65.1.16 An entirely different land tenure system existed in the north eastern region now comprising the hilly tracts of Assam and Manipur, Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. This system developed with the practice of shifting cultivation, or *'Jhum'* as it is commonly called. Under that system every single village was a unit of administration and authority. The land boundaries were clearly defined and time honoured. These included cultivable, non-cultivable and forest lands including rivers and streams. Cultivable land falling within the village limits was distributed by the village authority to the different clans inhabiting the village. The clan then redistributed it among its members. A cultivator under this system could neither acquire any ownership right in the land nor he could transfer any land. The ownership of the land rested with the village authority. In case a villager left the village and migrated elsewhere, the land of the migrant reverted to the clan. The clan then redistributed it to any other member of the same clan. If not, the land of the migrant reverted to the village authority which could redistribute it to any other clan. This was a purely traditional system coming down from generations and no regulation had been enacted to confer rights to individuals over land because the ownership of land in a village vested in the community.

65.1.17 Thus by the middle of nineteenth century three major systems of land tenure had come to be crystallised *viz.* (a) zamindari system, (b) ryotwari system and (c) mahalwari system. These three systems were unevenly spread out over the territories of British India and the princely states, but from their very inception all of

them got closely linked up with the fiscal requirements of the administration.

65.1.18 In 1947-48 the zamindari system in areas which formerly constituted British India covered 57 per cent of the privately owned agricultural land, the ryotwari system 38 per cent and the mahalwari system 5 per cent. The zamindari system covered completely the states of Uttar Pradesh, West Bengal and Bihar. In Orissa 81 per cent of the privately owned land was under this system, in Assam 9, in Bombay 7 and Madras 27. The ryotwari land revenue system covered 93 per cent of the privately owned land in Bombay, 73 in Madras, 91 in Assam and 59 in Madhya Pradesh. The mahalwari system which was confined to some parts of Uttar Pradesh and Punjab became in the course of time indistinguishable from the ryotwari system.

65.1.19 The zamindari system was sought to be structured on the pattern of landlordism in England that prevailed during the early days of the East India Company. But the social conditions under which the Indian zamindars were vested with absolute proprietary rights were totally different from those which governed the manorial system in England. Hence the role and social functions of the landlords in the two countries came to acquire a totally different character. The English landlord of the eighteenth and nineteenth centuries, as an absolute proprietor of his land, was historically conditioned for promoting agriculture. The Indian zamindar of British creation, who was also vested with proprietary rights, was interested primarily in rack renting and money making and not in agricultural development. This made all the difference in the nature of landlordism in the two countries.

65.1.20 Similarly the ryotwari system had only a superficial resemblance with French peasants proprietorship. In France peasants proprietorship emerged after a revolutionary overthrow of the old feudal order. It, therefore, developed certain dynamic characteristics based on the initiative and enterprise of a liberated peasantry. In India the ryotwari system was, on the other hand, imposed from above by a colonial foreign administration interested only in extracting the maximum surplus of agricultural produce in the form of land revenue. Hence the zamindari and ryotwari systems of land tenure have been correctly criticised as caricatures of English landlordism and French peasant proprietorship respectively.

65.1.21 The land tenure systems which the British imposed in India, regardless of the different juridical forms they assumed in different regions, were only variants of feudal and semi feudal

landownership designed to suit the interest of the colonial ruling class. Feudalism despite its historical variants has certain basic elements which have been correctly identified by Charles Bettelheim[1] as (a) absence of a labour market in a large part of the rural sector; (b) the personal subservience of the immediate producer to the landowner; (c) the excessive importance of land rent; (d) the underdeveloped marketing system resulting in little social division of labour, a low rate of accumulation and the use of produce mainly to satisfy immediate needs. India had its own variant of traditional feudalism, which may be described as tributary landlordism, based not on serfdom or slavery but on peasant cultivators paying rent in kind to the landlord and performing certain customary services for him.

65.1.22 The British administrators altered this system, in a manner as to facilitate the exaction of more rents from the cultivators by making the landlord, who was earlier a rent collector, the absolute owner of land and by depriving the actual cultivators of all their traditional rights. This was done in a forthright manner under the zamindari system and in a veiled and indirect manner under the ryotwari system.

65.1.23 It may be noted here that in the ryotwari areas, although juridically no landlords or intermediaries were created and the settlements were made directly with the ryots, et the fact was that due to prevailing inequality in land holdings, the bigger ryot landholders came to dominate the agrarian set up in many respects and became the counterparts of the landlords in zamindari areas. Like he latter, they indulged in many semi feudal forms of exploitation such as sharecropping, rack renting, ejectments, forced labour, usury etc.

65.1.24 Unprotected tenancy developed on a big scale in all ryotwari areas and with growing pauperisation and expropriation of small peasant proprietors, the bigger holdings continued to expand. Money lending or usury played a big part in uprooting the small peasants from land. The money lender came to acquire a stronger grip over the agrarian economy of the ryotwari areas than that of the zamindari areas because of the existence in the former case of a large population of small peasants proprietors who under economic strains mortgaged their lands to traders and money lenders. Such expropriation led in due course of time to the emergence of numerous landholders drawn from the non-cultivating classes. The position of the actual tiller of the soil in Bombay, the classical area of ryotwari tenure, was described pertinently by the Bombay Government as follows:

[1]Bettelheim Charles,1968. India Independent; 23. London, Macgibbon and Kees.

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> "The tenant who cultivated land on lease, which is generally annual, is not sure how long the lands would remain in his possession as the landlord has the power to resume that land at the end of the ear after giving three months notice to the tenant. The tenant has thus no permanent interest in land. In many cases, the lands are leased on crop sharing basis. If the tenant sows improved seeds or puts in good manner or extra labour to improve the land, half of the increased produce so obtained at his cost goes to the landlord, and the tenant does not get a proper return on his labour and enterprise. The absentee landlord cares only for his annual rent and takes no interest in the improvement of his land or the introduction of improved methods of cultivation."[1]

It is stated that in Bombay State, (1950) about 5 million acres (2 million hectares) of land passed out of the hands of small peasants into those of urban absentee landholders, money lenders, traders etc. between the years 1917 and 1943.[2]

Concentration of Land Ownership

65.1.25 Land holdings both under the zamindari and ryotwari tenures were characterised by a high degree of concentration of land at the upper levels. In the early fifties in Uttar Pradesh, for example, the bigger zamindars, who paid more than Rs. 250 as land revenue, constituted 1.5 per cent of all zamindars in the State but they held 58 per cent of the total land. Eight hundred and four of the biggest landowners of the State held 25 per cent of the total land.[3] No reliable statistical data are available for Bihar in this matter. But in view of the existence of a large number of big zamindaris in that State it can be presumed that the concentration of land ownership at the top in Bihar was greater than in Uttar Pradesh. In West Bengal many big zamindari estates were in course of time divided among sub-proprietors or tenure holders; nonetheless a high degree of concentration of land in the hands of the bigger landowning class continued to exist. The same can be said of Orissa.

65.1.26 In the ryotwari areas also the concentration of land-

[1] 1944 Report of the Famine Enquiry Commission : 269 New Delhi, Government of India.

[2] 1950 Statistical Abstract of Bombay State: 58, Bombay.

[3] 1948 Report of U.P. Zamindari Abolition Committee Vol. I : 343. Allahabad Government of Uttar Pradesh.

ownership at the top of the social ladder was very considerable. In the former Bombay State for example, in the year 1952-53 landholders having upto 5 acres (2.02 ha) constituted 53 per cent of all landholders but the land held by them came to only 14 per cent of the total land. As against this those holding 25 acres (10.12 ha) or more constituted only 8 per cent of the landholders and possessed 40 per cent of the total land.[1] A survey of *pattadars* conducted in Madras State in 1950-51 revealed that the *pattadars* who paid Rs. 30 or more constituted only 8 per cent of the landhoders and possessed number of *pattadars* but they held as much as 31.34 per cent of the total land.[2]

65.1.27 A sample survey conducted in 1950—54 in 3 districts of Assam, *viz.*, Darrang, Sibsagar and Lakhimpur revealed that households holding 50 bighas or more constituted from 3.6 per cent (Lakhimpur) to 4.2 per cent (Darrang and Sibsagar) of the total households but held 22.4 per cent (Darrang), 20.1 per cent (Sibsagar) and 16.9 per cent (Lakhimpur) of the total land in those districts.[3] In the Punjab in 1939, holders of land upto 5 acres (2.02 ha) who constituted 63.7 per cent of the total landholders had only 12.2 per cent of the total land, while holders of 50 acres (20.25 ha) or more, who constituted 2.4 per cent of the holders, held 38 per cent of the total land.[4]

65.1.29 The high degree of concentration of rural population glaring disparities in ownership holdings in 1954, between the upper and the lower strata of rural society. It revealed that households owning land upto 5 acres (2.02 ha) constituted in number 74.21 per cent of the total household but they held only 16.77 per cent of the total land. On the other hand, households with 25 acres (10.12 ha) or more constituted 3.71 per cent of the total households but owned as much as 34.27 per cent of the total land.

65.1.29 The high degree of concentration of rural population at the lower rungs of land ownership, resulting in numerical preponderance of peasants with tiny holdings, can be seen from the percentage

[1] 1955 (July) Bulletin of the Bureau of Economics and Statistics, Government of Bombay 9 (1) : 48-9.

[2] 1952 (August) Monthly Digest of Economics & Statistics, Madras State 3 (5) : 6-7.

[3] Goswami M. N., 1950. A Survey of Rural Economic Conditions in Darrang : 16, Shillong.

Sharma S. C., 1952. A Survey of Rural Economic Conditions in Sibsagar : 25, Shillong.

Sharma S.C., 1954. A Survey of Rural Economic Conditions in Lakhimpur : 31, Shillong.

[4] Calvert H. 1939. *The Wealth and Welfare of the Punjab*: 172, Lahore.

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distribution of such holdings and the total area occupied by them in different States. In 1951, holdings upto 5 acres (2.02 ha) constituted 67 per cent of the total holdings in Uttar Pradesh and covered only 26.40 per cent of the total area. In Bihar, such holdings constituted 77 per cent of the total holdings and covered 31.90 per cent of the total area. In West Bengal these constituted 66.60 per cent of the total holdings and covered 31.60 per cent of the total land. In Assam they constituted 61.88 per cent in number and covered 31.48 per cent of the total land. In Orissa 71.47 per cent of the holdings were upto 5 acres (2.02 ha) with an area of 24.91 per cent. In Madras holdings upto 5 acres (2.02 ha) represented 74.45 per cent of the total holdings with 30.46 per cent of the total land. Even in a ryotwari province like Bombay, holdings of less than 10 acres (4.05 ha) constituted 68.78 per cent of the total holdings and covered as little as 25.67 per cent of land. In Punjab holdings upto 10 acres (4.05 ha) represented 49.59 per cent of the total holdings covering only 20.68 per cent of the total land.[1]

Rents

65.1.30 Land rent at a high level continued to persist under British rule as the basis of land revenue system. No attempt was made to regulate or fix rents until about the end of the nineteenth century. The Bengal Tenancy Act of 1885 and a few similar enactments in other provinces tried to lay down the principles which should govern the determination of rents. Land revenue codes also attempted to define the share of the gross produce which should go towards rent. Land revenue settlements similarly laid down certain criteria for the regulation of rents. All these taken together resulted in some measure of regulation of rents of the officially recognised and protected tenants, mainly in the zamindari areas and partly in the ryotwari areas. It can be said that as defined by tenancy Acts and land revenue Codes the regulated rents varied from one-fourth to one-third of the gross produce.

65.1.31 The significant fact, however, is that the regulated rents applied only to those tenants who were recorded and enjoyed certain tenancy rights. The overwhelming majority of tenants both in the zamindari and ryotwari areas did not fall in this category. They were mostly tenants-at-will or sharecroppers whose rents in cash or kind varied from 50 per cent to 70 per cent of the gross produce.

[1]Kotovsky, G., 1964. Agrarian Reforms in India : 20, New Delhi, People Publishing House.

65.1.32 In the zamindari areas the ratio of land revenue to total rental received by the zamindars was such as to leave a big margin of profit to the latter. In the nineteen fifties the ratio of land revenue to the total rental was 39 in Uttar Pradesh, 25 in Madras and 14 in West Bengal.[1] In all zamindari areas, the rental demands of the zamindars continued to grow over the years while the land revenue demands of the Government did not register a corresponding increase. In the United Provinces, for example, between 1893-94 and 1944-45 the rental demand increased by 42 per cent while the land revenue increased only by 15 per cent and the margin of profit of the intermediaries rose by 69 per cent.[2] In 1944-45 the total rental demand in the United Provinces was Rs. 17.53 crores, while the total land revenue paid by the zamindars to the Government was Rs. 6.82 crores. In Bihar, the total rental received by the zamindars increased by about 40 per cent between 1942 and 1949.

65.1.33 Land revenue rates as a rule were higher under ryotwari than under the zamindari tenure and weighed heavily on smaller holdings. Besides, in ryotwari areas, the practice of renting out land by big ryots to landless and marginal peasants developed on an extensive scale. The ryotwari tenant and sharecropper remained by and large unprotected. Under these conditions rents of tenants, subtenants and sharecroppers continued to soar and in some areas reached fantastic heights, covering as much as 80 per cent of the gross produce. A governmental enquiry in nine districts of Madras Province in 1950 revealed that the rental was 9 to 33 times more than the land revenue assessment.[3] A similar situation obtained in Bombay, Punjab and most other ryotwari areas.

65.1.34 It has been estimated that normally 50 to 60 per cent of the gross produce was paid by the tenant to the landowner as rent in ryotwari areas. Rentals continued to increase throughout the twentieth century and in some reported cases the rents outstripped the rise in agricultural prices and reached the level of three quarters of the gross produce. In Tiruchirapalli district of Madras, while the prices were doubled, the rents were tripled between 1901 and 1926.[3] In Punjab in the same period rents increased by 200 per cent while the prices went up by 50 per cent.[5]

[1] *Ibid.* 1 (p. 15) : 6.

[2] Malaviya, H. D., 1954. Land Reforms in India : 101, New Delhi, All India Congres Committee.

[3] 1950. Report of the Special Officer for Investigation of Land Tenure on the Proposals on Land Revenue Reform : 22, Madras, Government of Madras.

[4] Sivaswami, K. C., 1948. Madras Ryotwari Tenant Part I : 6, Madras, Government of Madras.

Calvert, H., 1939. The Wealth and Welfare of the Punjab : 239, Lahore.

65.1.35 Besides rents, many illegal levies imposed on tenants and sharecroppers reinforced their conditions of servitude. Then, there was labour rent or *"Begari"* which was the hall mark of semi-feudal domination. Bonded labour also prevailed in many areas. The *Pannals* of Tamil Nadu, the Bandhela *Halis* of Gujarat, the *Kanayas* of Bihar and such semi-bonded labour in other places belonged to the category of serfs or semi-serfs who gave labour rent. Thus the elements of personal dependence of the cultivators on big semi-feudal land owners persisted in almost all parts of the country.

65.1.36 Under British rule, land reforms had a very limited scope and content. In the first place, they were applied mainly to zamindari tenures. The ryotwari tenures were, by and large, left untouched. Secondly, the two issues to which some attention was paid were tenancy rights and regulation of rents. Land reforms did not touch the privileges or status of zamindars and other intermediaries. Thirdly, British land reforms gave hardly any protection to the tillers of the soil. They gave protection mainly to certain big and middle tenants, between the landlords and the actual cultivators.

65.1.37 The British land reforms were motivated not by considerations of improving production, nor by a sense of social justice but by the need to safeguard British political influence in the rural areas and save the rural market from being completely pauporised. It is noteworthy that in the background of all major tenancy Acts there was either an economic catastrophe or a political upheaval. The Superintendent of West Bengal Census, 1951, describing the land reforms enactments in Bengal observed as follows:

> "Between 1795 and 1882 a series of regulations was passed assuring protection to the ryot and between 1859 and 1885 another series of Acts. But behind every one of these enactments was either a serious famine or a tale of peasants rising in revolt and desperation. It would not be simplifying history to say that behind the great Bengal Tenancy Act of 1885 was the Report of the Famine Commission of 1881 and behind that again the agrarian movement of 1873, when the ryots in some areas combined in a kind of land league to resist landlords' exactions and defeated them by united opposition."[1]

[1]Census of India, 1951, Vol. IV : 449, New Delhi, Registrar General of India Government of India.

Tenancy Acts

65.1.38 Indian peasants have a long tradition of mass revolts. During the last two hundred years or so, scores of revolts, big and small, have taken place against landlords, revenue agents, money lenders, administrative machinery etc. in different parts of the country. Bengal has occupied an outstanding position in this matter from the earliest days of British rule. The tribal areas of Andhra Pradesh and Kerala also have long records of peasant struggles. Earlier revolts such as the one led by Raja Chait Singh in Oudh in 1778—81, by Vazier Ali in Gorakhpur in 1799, the uprising of Chuar tribesmen of Midnapore in 1799 and the massive uprisings of the '*poligars*' and their peasants in Tinnevelly, North Arcot and the ceded districts of Andhra in 1801—1805, may be mentioned as outstanding cases in the long list of revolts of that period. The last of those major rebellions before the Mutiny was the famous Santhal Tribal revolt of 1855-56, involving between 30 to 50 thousand peasants. The *Eka* (Unity) movement, which started in Malihabad tehsil of the Lucknow district in 1921, acquired a big sweep in the districts of Sitapur, Lucknow and Hardoi but ultimately declined due to lack of organisation and proper leadership. Of the later struggles mention may be made of the Tebhaga movement in Bengal in 1946, Bakasht movement of Bihar peasants, the Telangana peasant revolt in 1946—48, strikes of tenants and landless labourers in eastern Thanjavur in 1948 etc.[1]

65.1.39 It was in Bengal, the classical land of Zamindari tenure, that the most important piece of legislation on tenancy of the nineteenth century, the Bengal Tenancy Act of 1885, was enacted. The basic provisions of this Act influenced tenancy legislation in other provinces in the subsequent period. The Act conferred occupancy rights on those ryots and under-ryots who had been in possession of any land for twelve consecutive years. The occupancy right included the right of inheritance, transfer and mortgage. A ryot or an under ryot possessing occupancy right was conferred the same right on any land he may acquire through purchase, gift or inheritance in the same village. The occupancy tenant could not be ejected straightaway by the landlord, even for non payment of rent. The suit for ejectment had to be filed in the Court. The occupancy under-ryot also could not be ejected except by a decree of the Court. The Bengal Tenancy Act of 1885 conferred no rights on *bargadars* or sharecroppers, who constituted the great bulk of tillers of the soil and who remained

[1]Gough Kathleen, 1974. Indian Peasant Uprisings, Economic and Political Weekly, Special Number : 1391—1406.

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tenants-at-will subject to arbitrary evictions and rack renting. The point here is that the Bengal Act of 1885 as amended in 1928 and then again in 1938, gave protection to the upper strata of the ryots, who represented the middle elements of rural society between the landlords and the cultivating peasants. Very few ordinary ryots could prove consecutive possession of land for twelve years in the then prevailing conditions of land records and domination of the landlords. The ryots who actually took advantage of that Act were, generally speaking, influential persons with substantial holdings. In some cases the ryots who acquired rights under the Act were bigger landholders than the original landowners. In fact most of them did not cultivate land themselves but rented it out to *bargadars*. It can, therefore, be said that the Tenancy Act of 1885 in Bengal did not even touch the fringe of the problem of the disinherited and oppresesd peasantry and sharecroppers created by the zamindari land tenure system.

65.1.40 The United Provinces was a temporarily settled zamindari area but the set up of land-ownership was akin to that of Bengal and Bihar. At the apex of the agrarian structure were the zamindars. Next to them came the sub-proprietors or under-proprietors who had, generally speaking, the same rights as zamindars subject to the payment of a quit rent or "*malikana*" to the latter. Below these intermediaries came several categories of tenants, hereditary tenants, occupancy tenants, exproprietary tenants and holders of special tenures in Avadh. The Agra Tenancy Act of 1881 conferred occupancy rights on tenants holding land continuously for twelve years. This provision was amended by an amending Act in 1901 which laid down that occupancy rights can accrue to a tenant who has been in continuous occupation of land for seven years. In Avadh the Act of 1886 conferred occupancy rights on those who had once enjoyed it as proprietors of permanent tenure holders but had lost it subsqeuently for some reason. In 1921 the Oudh Rent (Amendment) Act and in 1926 the Agra Tenancy Act created what were called statutory tenants, who were tenants-at-will, given protection for life time and made life tenants. Their heirs could retain the land for five years on the same terms as the deceased.

65.1.41 In the United Provinces the Tenancy Act of 1939 converted the Statutory tenants' into 'Hereditary tenants' whose heirs could hold land on the same terms in perpetuity. The Act of 1939 also provided that rents should be regulated and fixed by land revenue administration. Thus five main categories of tenants came into existence in the United Provinces:

(i) Exproprietary tenants, that is, persons who were once proprietors or heirs of proprietors but who had lost that status subsequently.

(ii) Occupancy tenants who had acquired their rights by farming the same plot of land for twelve years.

(iii) Hereditary tenants were Statutory tenants who had acquired hereditary rights through the Tenancy Act of 1939.

(iv) Non-occupancy tenants who were tenants-at-will paying cash rens but whose rents were not regulated by the administration.

(v) Sharecroppers who paid their rent in kind, usually 50 per cent or more of the gross produce, and they remained totally unprotected. The last two categories constituted the majority of tenants and sub-tenants in Uttar Pradsh.

65.1.42 A noteworthy aspect of the tenancy legislation in the United Provinces was the complete exemption given to *sir* and *Khudkasht* lands of the zamindars (so called self-cultivated lands) from the application of tenancy laws. Most of those lands, however, were rented out to tenants and sharecroppers but the myth was maintained that they were under self-cultivation. At the time of zamindari abolition in the United Provinces in the early fifties the area of *sir* and *Khudkasht* land was 28,84,000 ha. In the United Provinces, as in other zamindari areas, arbitrary eviction of tenants or periodic rotation of plots cultivated by them became a common pattern. Generally speaking, a tenant was hardly ever allowed to remain in occupation long enough to qualify for the acquisition of occupancy rights. Despite some provisions in the tenancy Acts regarding regulation and fixation of rents, illegal levies from tenants remained an integral part of the zamindari set up in the United Provinces right upto Independence.

65.1.43 Bihar was a permanently settled zamindari area. In Bihar big semi-feudal land ownership acquired a stronger base than in the United Provinces. Large areas of *'khas'*, *'sir'* and *bakasht* land, (so called private farms) were cultivated by tenants-at-will, share-croppers or agricultural labourers. The Bihar Tenancy Act of 1885 conferred on tenants and sharecroppers the right of occupancy after twelve years of continuous occupation. However, in the course of years only a small percentage of tenants could take advantage of that Act. Here again the upper strata of tenants who were economically strong and held sizable plots could acquire occupancy rights. In the absence of land records and the prevalance of the practice of

rotation of rented out plots the great bulk of sharecroppers could not acquire any permanent right under this Act. Rents remained unregulated and exorbitant until the Congress Ministry in 1939 enforced rent reduction on a big scale.

65.1.44 In Orissa the zamindari area, which covered about 15 million acres (6.07 million ha) out of a total of nearly 21 million acres (8.50 million ha) of agricultural land, was regulated mainly by the Orissa Tenancy Act of 1914, which granted occupancy rights on the basis of twelve years of continuous occupation. The Madras Estate Land Act as also the Central Provinces and Berar Tenancy Act which applied to parts of Orissa created similar occupancy tenants. The Berar Tenancy Act gave recognition to contractual leases whether for one year or more. It, however, gave no rights to sharecroppers. Tenants in all *inamdari* areas were kept as tenants-at-will. Cash rents were generally not fixed or otherwise regulated. Rent in kind on a sharecropping basis was the prevailing system. Tenants and sharecroppers were subjected to various types of illegal exactions and forced labour. Although the Orissa Tenancy Act of 1936 banned those exactions, yet in the context of the then prevailing landlord-tenant relationship, they continued to persist.

65.1.45 In the Province of Madras the ryots in zamindari areas obtained some rights as per the Madras Estate Land Act of 1908. That Act protected the ryots from eviction, as long as they continued to pay rent, and from enhancement of rent under certain conditions. However, in the *Inam* lands the tillers remained unprotected.

65.1.46 In Bombay Province the ryotwari tenure was governed by the Bombay Land Revenue Code of 1879 which was amended in 1939. Although absentee landlordism developed there under the cover of the ryotwari tenure, yet until 1939 no protection was given to the tenants and the tenancy-at-will continued to prevail on lands held by big landowners. The Tenancy Act of 1939 enacted by the Congress Ministry, however, gave occupancy right to the permanent tenants of big land owners. It also gave some protection to those who had held land for six consecutive years prior to January 1, 1938. Such tenants were given protection from eviction except when the landlord wanted to resume land for cultivation or for non-payment of rent. The Tenancy Act of 1939 also provided for the determination of fair rents and the Government undertook the responsibility of fixing maximum rentals in certain areas. It was further laid down that no land lease should be for a period of less than ten years. Levies, cesses and forced labour were banned.

65.1.47 Thus the structure of agrarian society evolved under British rule, remained powerfully dominated by big feudal and semifeudal landowning interests over large parts of the country. Despite the break-up of the ancient India village communities and a considerable degree of commercialisation of agriculture, that went apace during British rule, the agrarian society as a whole remained a backward medieval type of society hidebound and restricted by archaic landlord-tenant relations, ancient caste formations, and by old traditional customs, social habits and modes of thinking. The persistence of semifeudal bondages of various types and the stranglehold of usury condemned the Indian agrarian society to a state of stagnation. It remained a constantly crisis ridden system, which provided no scope for the generation of new productive forces. The process of production continued to be marked by backward technique with very low yields, colossal waste of labour, extremely poor accumulation of capital, diversion of agricultural surplus into non-productive channels etc. All these created a socio-economic set-up in which parasitism flourished, land concentration in the hands of the rural rich continued to grow, and landlessness and land hunger of the peasants mounted at an ever increasing pace. Evictions and insecurity of tenancy and rack renting became a general phenomenon and the cultivators were ground down by a colossal burden of indebtedness.

65.1.48 The attainment of national freedom created the essential preconditions for restructuring agrarian economy with a view to putting it on the path of progress and accelerated development. The situation called for far reaching structural reforms in the agrarian system and basic changes in the socio-economic relations of production. To what extent these objectives have been realised and what still remains to be achieved, we shall note in subsequent pages.

2 EVOLUTION OF POLICY

1931—1951 Period

65.2.1 By the time India achieved Independence a strong public opinion had crystallised to the effect that semi feudal landlordism was the main hurdle in the way of national economic regeneration. The fact that the greater part of the agrarian wealth of the country was being frittered away and directed into unproductive channels by a class of big landowning intermediaries was recognised on all hands. Besides, the prevailing massive poverty of the rural population was operating

as a serious limiting factor on the rural market, impeding the growth of modern industry. All these called for certain basic agrarian reforms for bringing about such structural changes in rural society as would curb parasitic vested interests in agriculture and strengthen the production capacity and initiative of the tillers of the soil.

65.2.2 The Indian National Congress, which was the premier political organisation of the country, made its first positive programmatic declaration regarding land reforms at its 45th Session (March 1931) in the famous Karachi Resolution, which recommended:—

> "Substantial reduction in agricultural rent or revenue paid by the peasantry and in case of uneconomic holdings, exemption from rent for such period as may be necessary, relief being given to small Zamindars wherever necessary by reason of such reduction"[1].

The Congress Working Committee in a resolution dated January 1, 1932 gave the following clarification in regard to that declaration. It said:

> "In as much as some apprehension has been created in the minds of Zamindars of the United Provinces in particular and others in general, that in discussing proposals for non-payment of rent or taxes under given circumstances, the Congress was contemplating a class war, the Working Committee assures the Zamindars concerned that the no rent proposals referred to were in no way aimed at them but that they represent an economic necessity for the peasantry which is known to be half starved and at present suffering from unprecedented economic distress. The Working Committee has no design upon any interest legitimately acquired and not in conflict with the national well-being. The Working Committee, therefore, appeals to all landed or moneyed classes to help the Congress to the best of their ability in its fight for the freedom of the country"[2].

65.2.3 Subsequently, however, the Indian National Congress, in its Fiftieth Session at Faizpur (in December 1936) drew up an agrarian programme which said that "the deepening crisis has made the burden on the peasantry an intolerable one and immediate relief is urgently called for". The following measures were indicated:

(i) reduction of rent and revenue;

[1] Resolution on Economic Policy Programme and Allied Matters, 1924-69[5]. New Delhi, Indian National Congress.

[2] *Ibid.*, 1 (p. 27) : 9.

(ii) assessment of agricultural income;
(iii) exemption of uneconomic holdings from payment of revenue or rent;
(iv) lowering of canal and other irrigation rates;
(v) abolition of all feudal levies and forced labour;
(vi) fixity of tenure with heritable rights alongwith the right to build houses and plant trees;
(vii) removal of rural debt;
(viii) liquidation of arrear rent;
(ix) recovery of arrear rents not by ejectment but as civil debts; and
(x) provision for securing a living wage and suitable working conditions, for agricultural labourers.

65.2.4 The Congress Election Manifesto of 1936 stated that:

"pending the formulation of a fuller programme the Congress reiterates its declaration made at Karachi that it stands for a reform of the system of land tenure and revenue and rent, and an equitable adjustment of the burden on agricultural land, giving immediate relief to the small peasantry by a substantial reduction of agricultural rent and revenue now paid by them and exempting uneconomic holdings from payment of rent and revenue.... The relief should extend to the agricultural tenants, peasant proprietors, small land holders and petty traders."

National Planning Committee

65.2.5 A National Planning Committee under the presidentship of Pandit Jawaharlal Nehru was constituted in 1936, with different sub-committees including one on Land Policy and another on Agricultural Labour. The Interim Report of the Sub-committee on Land Policy was presented in June, 1940.

65.2.6 The parent body of the National Planning Committee, however, met in September and then in November, 1945, and resolved as follows:—

"In pursuance of the general policy already laid down by the National Planning Committee in regard to the ownership and working of land, the following amplification is recommended:

"Cultivation of land should be organised in complete collectives, wherever feasible, *e.g.* on culturable waste lands, and other lands acquired by the State, other forms of cooperative farming should be encouraged elsewhere. This cooperative farming should include cultivation of land and

all other branches of agricultural work. In such cooperatives, private ownership of land will continue; but working of such land shal be in common; and the distribution of the produce will be regulated in accordance with the duly weighted contribution made by each member in respect of land, labour, and tools, implements and cattle required for cultivation. During the transition, the cooperative organisation of farming may also take the form of restricted cooperation of specific functions, *e.g.* credit, marketing, purchase of seeds etc."[1].

65.2.7 The National Planning Committee furthermore decided that no intermediaries between the State and the cultivators should be recognised; and that all their rights and titles should be acquired by the State paying such compensation as may be considered necessary and desirable. Where such lands are acquired it would be feasible to have collective and cooperative organisation as indicated above[2].

65.2.8 In regard to land taxation, the opinion of the Committee was that "while the present land revenue system lasts, the basis of taxation must be changed so that the higher income from land should be taxed progressively on the model of Income Tax. Wherever possible and advisable relief in land revenue burden should be afforded to actual petty cultivators on whom the burden falls disproportionately heavily to-day."

65.2.9 The demand for abolition of zamindaris and intermediaries between the State and the actual tiller of land, which was raised successively from National Congress forums was further reinforced by the Floud Commission Report.

65.2.10 It may be noted that before World War II none of the agrarian programmes advocated by the Congress had raised the question of radically altering the system of land tenure or land ownership. This was probably due to political expediency on the part of the Congress leadership which wanted to secure the neutrality of the semi-feudal landlord class in the national freedom struggle.

65.2.11 In the immediate post-war period, with political events moving fast and a big countrywide mass upsurge for freedom, the Congress leadership committed itself publicly to the need for overhauling the system of land ownership, through the elimination of intermediaries between the State and the cultivators. The Congress manifesto for the 1945-46 elections stated explicity that "the reform

[1]1948. Report of the National Planning Committee: 162.N.P.C. Series Report of the Sub-Committee—Land Policy, Agricultural Labour and Insurance. New Delhi.

[2]*Ibid.* : 163.

of land system which is so urgently needed in India, involves the removal of intermediaries between the peasant and the State. The rights of such intermediaries should therefore, be acquired on payment of equitable compensation."[1]

65.2.12 A special Committee was appointed by the Congress in 1947 with Pandit Jawaharlal Nehru as Chairman, to work out the main lines of Congress economic policy. The recommendations of this Committee were approved at a special meeting of the All India Congress Committee in 1948. In regard to the problem of reorganisation of agriculture, the Committee recommended that "All intermediaries between the tiller and the State should be replaced by non-profit making agencies such as cooperatives." It recommended furthermore that "the maximum size of holding should be fixed. The surplus land over such a maximum should be acquired and placed at the disposal of the village cooperatives. Small holdings should be consolidated and steps taken to prevent further fragmentation."[2] This Committee positively committed the ruling Congress party not merely to the programme of elimination of intermediaries, but also to the imposition of ceiling on land holdings.

Congress Agrarian Reforms Committee

65.2.13 Dr. Rajendra Prasad, the then acting President of the Indian National Congress, convened a meeting of the Revenue Ministers of the States at New Delhi in December, 1947, to discuss the question of land reforms. With a view to studying this subject and making necessary recommendations, the Revenue Ministers' Conference unanimously requested Dr. Rajendra Prasad to appoint a Committee. The Congress President accordingly appointed the well known Congress Agrarian Reforms Committee with Shri J. C. Kumarappa as its Chairman.

65.2.14 The Congress Agrarian Reforms Committee (Kumarappa Committee) made for the first time a detailed survey of the agrarian relations prevailing in the country and made comprehensive recommendations covering almost all the major issues relating to land reforms. It submitted its report in the middle of 1949. It is now recognised on all hands that the Kumarappa Committee exercised a considerable influence on the evolution of a land reforms policy in subsequent years. The main recommendations of this Committee are summarised as follows:

[1] *Ibid.*, 1 (p. 27): 15-16.
[2] *Ibid.*, 1 (p. 27) : 23—26.

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(i) The main principles which should govern the agrarian policy of the country are: (a) the agrarian economy should provide an opportunity for the development of the farmers' personality; (b) there should be no scope of exploitation of one class by another; (c) there should be maximum efficiency of production; and (d) the scheme of reforms should be within the realm of practicability.

(ii) There cannot be any lasting improvement in agricultural production and efficiency without comprehensive reforms in the country's land system. All intermediaries between the state and the tilelr should be eliminated.

(iii) Even after the abolition of the Zamindari system, there would remain a large element of non-cultivating interests in land. In the agrarian economy of India there is no place for intermediaries and land must belong to the tiller, subject to certain conditions.

(iv) Subletting of land should be prohibited except in the case of widows, minors and other disabled persons.

(v) Only those put in a minimum amount of physical labour and participate in actual agricultural operations would be deemed to cultivate personally.

(vi) A differentiated approach has to be developed towards land holdings on the basis of the size of the holdings.

(vii) A single integrated machinery with regional units composed of different elements—officials, experts, and representatives of the people—was necessary to impart the functional character of land administration.

65.2.15 On the size of the holding the Committee evolved the concept of three types of holdings, viz. (a) economic holding, (b) basic holding and (c) optimum holding. The Committee defined that an economic holding would be a holding which affords a reasonable standard of living to the cultivator and provides full employment to a family of normal size and at least a pair of bullocks. Recognising that many holdings are below the size of an economic holding, the Committee evolved the concept of a basic holding, which is smaller than the economic holding but larger than those holdings which are palpably uneconomic from the point of efficiency of agricultural operations. According to the Committee, the basic holding as conceived by it, though uneconomic in the sense of being unable to provide a reasonable standard of living to the cultivator, may not be inefficient for the purposes of agricultural operations. The Committee felt that such holdings should be rehabilitated.

65.2.16 The Committee also felt that there should be a ceiling to the size of the holding which any one farmer should own and cultivate; because in the first place, the supply of land, in relation to the number of people seeking it, is so limited that not to put a ceiling on individual holdings would be irrational and unjust. Secondly, under the present technique of cultivation, and in view of the managerial capacity and financial resources of an average cultivator in India, the optimum size of a holding has to be fairly low. It was, therefore, recommended that the size of an optimum holding should be three times the size of an economic holding.

65.2.17 The Kumarappa Committee considered carefully the question of the ultimate pattern of agrarian society in India. It examined the following alternative forms of agrarian economy:—

(i) capitalist farming or estate farming;
(ii) state farming;
(iii) collective farming;
(iv) individual peasant farming.

It rejected the concept of capitalist farming as a general method of utilisation of agricultural resources, on the ground that "it would deprive the agriculturists of their rights in land, turn them into mere wage earners and subject society to capitalist control on such a vital matter as supply of food. It would also create the problem of displaced personnel".[1] The Committee also did not approve of the general extension of state farming, but thought that "state farming of some limited degree may be necessary when waste lands are reclaimed and agricultural labourers are settled thereon."

65.2.18 Collective farming was also considered by the Committee to be suitable essentially for the development of reclaimed waste lands, on which landless labourers could be settled. The Committee, observed "in a collective farm of landless labourers on reclaimed waste lands, neither would there be any suppression of individual freedom nor any loss of incentive to production".[2]

65.2.19 The Committee favoured individual peasant farming to constitute the general pattern of socio-economic structure of Indian agrarian society. It held that peasant farming on proper units of cultivation under a scheme of rights on land would be the most suitable form of cultivation. The Committee, however, recommended that individual farming should be limited to holdings above the basic holding. Holdings smaller than the basic holding should, in course of time, be brought under a scheme of cooperative joint farming.

[1]1949. Report of the Congress Agrarian Reforms Committee : 16, New Delhi, All India Congress Committee.
[2]*Ibid.* 1 (p. 34) : 27.

First Five Year Plan (1951—56)

65.2.20 Land Reforms policy was concretised for the first time at the topmost governmental level in the First Five Year Plan. The proposals incorporated in it are summarised below:

(i) Increase of agricultural production should receive high priority in the planning processes over the next few years; and

(ii) Agricultural economy should be diversified and brought to a much higher level of efficiency. A land policy should be evolved which, now and in the coming years, reduces disparities in wealth and income, eliminates exploitation, provides security for tenant and worker and, finally promises equality of status and opportunity to different sections of the rural population. The main outlines of that policy have to be conceived in terms of different interests in land which are: (a) intermediaries, (b) large owners, (c) small and middle owners, (d) tenants-at-will, and (e) landless workers.

65.2.21 The Plan considered the abolition of intermediary rights as the major achievement in the field of land reforms in the post-Independence period. As a result of the elimination of these rights in the States which had zamindari, *jagirdari, inamdari* and other similar tenures, the State had come in direct contact with about twenty million cultivators.

65.2.22 Regarding the question of reducing the holding of large owners and putting a ceiling on the same, the Plan took rather an ambiguous position though it suggested ultimately that an upper limit might be imposed on the amount of land that might be held by an individual. The Plan on this question opined as follows:

'If it were the sole object of policy to reduce the holdings of the larger owners with a view to providing for the landless or for increasing the farms of those who now have uneconomic fragments, the facts at present available suggest that these aims are not likely to be achieved in any substantial measures. The question whether some limit should not be placed on the amount of land that an individual may hold has, therefore, to be answered in terms of general principles rather than in relation to the possible use that could be made of land in excess of any limit that may be set. We have considered carefully the implications of the various courses of action which are possible. It appears to us that, in relation to land (as also in other

sectors of the economy) individual property in excess of any norm that may be proposed has to be justified in terms of public interest, and not merely on grounds of individual rights or claims. We are, therefore, in favour of the principle that there should be an upper limit to the amount of land that an individual may hold"[1].

65.2.23 The Plan differentiating between small and middle owners defined small owners as those having land not exceeding a family holding and middle owners as those having land in excess of a family holding but having less than the limit prescribed for resumption for personal cultivation. Fragmentation of land being a serious defect of such holdings, a programme of consolidation of holdings in all States was recommended to be pursued vigorously along with the fixation of a minimum holding for small owners below which subdivision should not be permitted.

65.2.24 It was recommended in the First Five Year Plan that lands under the cultivation of tenants-at-will may be allowed to be resumed for cultivation by owners or their family members upto three family holdings. It furthermore laid down that tenancy should ordinarily be for five to ten years and should be renewable. Rents should be so fixed, with due regard to the expenses of cultivation and other risks that a fair wage remains for the cultivator. A rate of rent within one-fourth or one-fifth of the produce might well be considered as fair.

65.2.25 The Plan opined that the problem of landless workers should be considered in terms of institutional changes, which would create conditions of equality for all sections of the rural population. The essence of these changes lay in working out a cooperative system of management in which land and other resources could be managed and developed as to increase and diversify production and provide employment to all those who were able and willing to work.

65.2.26 The idea of cooperative farming was also given due consideration in the First Plan. It held that with the growth of pressure on land, the number of small and uneconomic holdings would increase. As increase in production called for the application of scientific knowledge and increased capital investment, and as these could be better managed in fairly large units, small and middle farmers should be encouraged to group themselves into cooperative farming societies formed under certain set conditions giving them priority in respect of supplies, finance, technical assistance

[1]1953. The First Five Year Plan : 187-188, New Delhi, Planning Commission, Government of India.

and marketing. The existing tenants should also be taken as members.[1]

65.2.27 The approach of the First Plan on the basic question of ensuring equality of opportunity to the rural poor was a rather conservative approach. The planners felt that it was not possible to create conditions of equality of opportunity for the landless agricultural workers. Even after the problem of substantial owners was dealt with, there remained considerable disparity of interest between the small and middle owners, the tenants and landless workers. Concessions to one section at the expense of another may certainly benefit a few, but intrinsically the measures would not promote the rapid increase of agricultural production or the diversification of rural economic life or the growth of greater local employment. Apart from sharpening the conflict of interest within the rural community, proposals for further regulation would become in effect proposals for sharing poverty. It was thus opined that the effective fulfilment of the principle of "land to the tiller" required that there should be a more comprehensive goal towards which rural economy should be developed.

65.2.28 The First Plan also laid down the following guidelines in relation to the tenancy problem:—

(i) village panchayats should play an important role in dealing with problems relating to tenancy. They should help actively in the work of correcting land records;

(ii) while it was necessary to safeguard the interest of small and middle owners and permit them to resume land for personal cultivation, the displaced tenants should also be ensured that they have lands to cultivate;

(iii) it was, therefore, necessary that tenants, so displaced by small and medium owners should be able to obtain at least a minimum holding for cultication. This minimum should not be below which sub-division is not permitted, under the law. The displaced tenants should be ensured some form of employment in case when land is not available for giving them a minimum holding;

(iv) lands belonging to substantial owners, who met the standards of efficiency prescribed by the land management legislation, should be supervised by some organisation at the village level; and

(v) cultivation of village waste lands should be the responsibility of the village panchayats.

[1] *Ibid*. 1 (p. 34) : 193-94.

65.2.29 The First Plan posed the concept of cooperative village management in order to ensure that the land and other resources of a village can be organised and developed from the stand point of the village community as a whole. It said:

> "What the land management legislation enables a village community to do is to manage the entire area of a village, both cultivated and uncultivated, as if it were a single farm. According to circumstances, the actual cultivation could be arranged, as might be found feasible, in family holdings, through small groups, working in blocks of land in the village on cooperative lines or through a combination of arrangements adopted to the operations to be carried out. As techniques develop and the manpower requirements of occupations other than farming increase still large blocks of land could be worked cooperatively. According to their needs and experience village communities will discover the arrangements which serve them best."[1]

65.2.30 It will be seen from the above that the proposals incorporated in the First Plan though they fell far short of the recommendations of the Kumarappa Committee do, in a general sense, represent an advance towards the concept of imposing an upper limit on individual land holdings and restricting the right of landowners to resume land. Similarly, there were some significant proposals for giving protection to tenants both of big and small land owners and for regulating rents in view of the extremely complicated tenancy situation created by legislation for the abolition of intermediaries.

65.2.31 However, the question of ceiling on land holdings was pushed into the background during the first six years of Independence by measures relating to zamindari abolition. The fact of the matter is that the Indian agrarian policy was very much influenced at that time by the belief that agricultural production could be increased only by larger farms, using modern techniques, and that small scale farming was the main cause of backwardness of Indian agriculture. The imposition of ceilings which would split up large farms was, therefore, considered a retrograde step.

65.2.32 In 1953, the question of ceiling on land holdings again came to the fore, when the All India Congress Committee resolved in its Agra Session that "the State Governments should take immediate steps in regard to the collection of requisite land data and the

[1] *Ibid* 1 (p. 37) : 197

fixation of ceilings on land holdings, with a view to redistribute the land as far as possible, among landless workers." In the subsequent few years the question of ceiling became a subject matter of sharp controversy in the ruling Congress circles as also among various opposition parties. In the face of growing pressure of population on land and ever increasing landlessness among the bulk of agriculturists, the idea of ceiling on land holdings continued to gain ground. The highly uneven distribution of land, with concentration of a large percentage of the total area in the hands of the upper strata of rural society, was not consistent with social justice or requirement of developing agricultural production.

First Panel on Land Reforms

65.2.33 The Report of the Panel on Land Reforms set up by the Planning Commission in May 1955, under the Chairmanship of Shri Gulzarilal Nanda marked an important stage in the evolution of land reforms policy. The Panel reviewed through its various subcommittees, the progress of land reforms in the country and made certain positive proposals which influenced in a large measure the thinking of the planners of the Second Five Year Plan.

65.2.34 On the question of ceiling this Panel in its Report stated:

> "We have hitherto indicated briefly our reasons for the imposition of the ceiling in land sector. In our view these reasons are compelling considered from all points of view which have a bearing on agricultural production *viz.* (a) inducing capital investment on land, (b) encouraging personal cultivation, (c) ending present uncertainty in the land sector and (d) providing work and security for the landless, the pattern of land reform that we suggest appears to be inevitable. Except for a temporary period of adjustment, we consider that this pattern would also in the end increase production substantially."[1]

65.2.35 The Panel Report stated furthermore:

> "We have examined the question whether in applying ceiling, the aggregate area held by all the members of a family should be taken into account or whether the land held by an individual member of a family should be regarded as constituting a separate holding for the purpose of ceiling. We are of the view that family is the

[1] 1958. Report of the Committee of First Panel on Land Reforms · 45-46 New Delhi, Planning Commission, Government of India.

> real operative unit in land ownership as in land management. We, therefore, recommend that in the fixing of the ceiling the aggregate area held by all the members of a family should be taken into account. For this purpose, a family should be deemed to consist of husband, wife and dependent sons and daughters and grand children; land held by married daughters and earning sons should be excluded."[1]

As regards the level of ceiling, the Panel was of the view that three times the family holding should be the limit for an average family in which the number of members does not exceed five. One additional family holding be allowed for each additional member subject to a maximum of six family holdings.

65.2.36 The Panel defined family holding or an economic holding as a holding which ensures the minimum income necessary for supporting a family. In terms of income, it suggested that a farm which yielded average income of Rs. 1,600 or a net income including remuneration for family labour of Rs. 1,200 per annum might be considered as a family holding. In regard to the area of application of ceiling, the Panel recommended that on the assumption that in respect of leased lands, positive steps would be taken to enable the tenants to become owners within a reasonable period, the ceiling should apply to owned land under personal cultivation.

65.2.37 The Panel was of the view that in order to prevent malafide transfers by big land owners with the object of circumventing ceiling laws, any transfer or lease made after a given date should be disregarded in determining the surplus area. The date should be fixed by each State in the light of its circumstances.

65.2.38 The Panel listed the following categories of land which could possibly qualify for exemption from ceiling:

(i) sugarcane farms owned by sugar factories;
(ii) orchards;
(iii) plantations (tea, coffee and rubber);
(iv) special farms such as cattle breeding, dairy farms, etc.;
(v) farms in compact block;
(vi) efficient farms; and
(vii) mechanised farms and farms with heavy investment.

65.2.39 On the question of floor limit to land holdings, the Panel did not make any concrete recommendation. It only stated that "if the imposition of a floor is to result in some sort of reorganisation, as suggested above, the effective limit will be organisational,

[1] *Ibid* 102-103.

i.e. Government's capacity to organise the cooperative sectors". The Panel Committee on size of holdings, however, recommended "that holdings below the floor, which are incapable of efficient cultivation as separate units, should be consolidated and formed into cooperative units". The Panel Committee on problems of Reorganisation opined that along with the rapid development cooperation in ancillary activities such as credit, marketing, supplies, etc. the enactment of land management legislation to raise the standard of cultivation and management and the establishment of suitable machinery for its administration, steps should be taken to introduce cooperative farming in certain categories of land such as reclaimed waste lands and the surplus that became available on the imposition of ceilings.

65.2.40 The Panel also made certain recommendations in regard to tenancy reforms. It recommended that pending the enactment of comprehensive legislation for tenancy reforms, the following steps should be taken in this direction and with immediate effect:

"(i) Ejectment of tenants or sub-tenants should be stayed. Ejectment on grounds of non-payment of rent or misuse of land may be permitted through the due process of law.

(ii) Tenants who have been dispossessed of their lands in recent years should be restored except where ejectments were made through the Courts for non-payment of rent or misuse of land. Voluntary surrenders resulted mainly from landlords' influence and the tenants' low bargaining power. All such surrenders should be treated as cases of ejectments and restoration provided for.

(iii) All tenants should come into direct relation with the State which should undertake the obligation to recover fair rents from the tenants and pay it to the landlord after deducting the cost of collection."[1]

65.2.41 Dealing with the problem of security of tenure, the Penal laid down that:

"(i) A tenant who has already held any land continuously for a period of twelve years or is in possession of land which has not been cultivated by the land owner personally at any time during a period of twelve years should have permanent and heritable rights in land and should not be liable to ejectment on any ground whatsoever, not even on the ground that the landlord requires the land for personal cultivation.

Ibid. 1 (p. 42) : 58.

(ii) All other tenants should have security of tenure subject to the landlords right to resume land *bona fide* for personal cultivation."[1]

65.2.42 The Panel sought to restrict the landlords right of resumption and recommended that every tenant should have a prior right to retain a family holding for personal cultivation. The land held by a tenant in excess of a family holding may be resumed by the landlord for personal cultivation subject to the limit of a family holding. Exemptions to this rule may be made in the case of small owners and persons suffering from a disability. A small owner may be defined as a person who owns less than a family holding and he may be permitted to resume half the area owned by him.

65.2.43 With regard to the resumable area, pending its resumption by the landlord, the tenant may have heritable but not permanent rights. In respect of non-resumable area, the tenants should have the right of permanent and heritable possession.

65.2.44 The Panel examined the definition of the term "personal cultivation". It found that "many people who had never engaged themselves in actual operation of cultivation and in some cases were living in distant towns have resumed land by ejecting tenants on the ground of personal cultivation and got the lands cultivated by hired labour or through partners remunerated by a share of the produce."[2] The Panel defined three major conditions for "personal cultivation" which are: (a) risk of cultivation, (b) personal supervision and (c) personal labour. It recommended that "while the three conditions described above represent the goal which should gradually be achieved, it is not necessary at this stage to insist upon the performance of minimum labour, provided the owner meets the entire risk of cultivation, lives in the village and personally supervises agricultural operation."[3]

65.2.45 The Panel did not support the idea of a complete prohibition of leasing of land. It observed that "in the existing circumstances complete prohibition of leasing is not a practical or even a desirable proposition."[4]

65.2.46 The Panel also examined the question of the ultimate pattern of social and economic institutions in Indian villages and stated that it agreed with the point of view of the Kumarappa Committee according to which the most suitable pattern of rural society

[1] *Ibid* 1 (p. 42) : 59.
[2] *Ibid* 1 (p. 42) : 62.
[3] *Ibid* : 63.
Ibid : 55.

in India, was peasant farming, on suitable units of cultivation under a properly determined scheme of rights in land. It also expressed its agreement with the Congress Agrarian Reforms Committee to the effect that individual farming should be limited to holdings above the basic holding and that holdings smaller than the basic holding should in course of time be brought under a scheme of cooperative joint farming.

Second Five Year Plan (1956—61)

65.2.47 Land reform measures found a place of special significance in the Second Five Year Plan, which held that land reforms would provide the social, economic and institutional framework for agricultural development. The Second Five Year Plan also emphasised that increase of agricultural production should represent the highest priority in planning over the next few years, and that agricultural economy had to be diversified and brought to much higher levels of efficiency. The objectives of land reforms in view of these considerations as laid down by Second Plan were: (a) to remove such impediments on agricultural production as arise from the character of the agrarian structure, and (b) to create conditions for evolving, as speedily as may be possible, an agrarian economy with high levels of efficiency and productivity.

65.2.48 The Plan held that the abolition of intermediary tenures and the protection given to the tenants were intended to give the tiller of the soil his rightful place in the agrarian system and, by reducing or eliminating burdens he had borne in the past, to provide him with fuller incentives for increasing agricultural production. Similarly, the upgrading of tenants into direct relations with the State and abolishing the tenant-landlord nexus was an essential step for the establishment of a stable rural economy. The Plan opined that large disparities in the distribution of wealth and income that existed in India were inconsistent with the economic progress in any section, and that therefore they should be bridged.

65.2.49 The area of land available for cultivation was limited and the existing pattern of distribution and size of agricultural holdings did not make much land available in excess of ceilings, the distribution of which could have appreciably removed the disparities. The Plan, however, recommended that some effective steps should be taken in the direction of affording opportunities to landless sections of the rural population to gain in social status. The Plan proposed that a series of measures should be taken to lay the foundations for

cooperative reorganisation of rural economy including improved land management practices through community development, extension of rural credit and marketing facilities etc. for agricultural development.

65.2.50 Dealing with the problem of tenancy the Second Plan said that there were large variations in the degree of practical implementation in different parts of the country and that even in the same State some parts of the tenancy legislation are carried out to a greater extent than in others. It also recognised that there have been instances of large scale eviction of tenants and of "voluntary surrenders" of tenancies. The main causes attributed to this were ignorance on the part of the people of legislative provisions regarding security of tenure, possible lacunae in the law and inadequate and defective land records. Most voluntary surrenders of tenancies were even open to doubt as *bona fide* transactions. In order to discourage voluntary surrenders of tenancies under undue pressure, the Plan recommended control of such surrenders by the revenue authorities.

65.2.51 The Plan recommended that resumption of land for "personal cultivation" should be accepted on general grounds and be permitted. But it laid down certain gradings of resumption according to the extent of land holdings of the owners as follows:

(i) Small owners with less than one-third of a family holding may resume their entire area.

(ii) Owners between the basic holding and family holding may resume one-half of the area held by the tenant but in no event less than a basic holding.

(iii) Where the landowner has under his personal cultivation land which exceeds a family holding but is less than the ceiling limit, he may resume land provided that his tenant is left with a family holding and the total area obtained by the owner together with the land already under his personal cultivation does not exceed the ceiling.

(iv) If the landowner has less than a family holding under his personal cultivation, he may be allowed to resume one-half of the tenant's holding or an area which, together with the land under his personal cultivation, makes up a family holding, whichever is less, provided that the tenant is left with not less than a basic holding.

65.2.52 The Second Five Year Plan recommended that rents in all the areas should be regulated at one-fourth or one-fifth of the produce. The Plan stated that though it was an agreed objective that tenants of non-resumable areas should be enabled to become owners of their holdings, yet progress in this direction was slow. It treated

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(iii) Where the landowner has under his personal cultivation land which exceeds a family holding but is less than the ceiling limit, he may resume land provided that his tenant is left with a family holding and the total area obtained by the owner together with the land already under his personal cultivation does not exceed the ceiling.

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65.2.52 The Second Five Year Plan recommended that rents in all the areas should be regulated at one-fourth or one-fifth of the produce. The Plan stated that though it was an agreed objective that tenants of non-resumable areas should be enabled to become owners of their holdings, yet progress in this direction was slow. It treated

reduction of rents as a matter of high priority in the context of conversion of tenants to owners of holdings. The conferment of right, however, projected three following possibilities:

(i) the State recovers rent and finances payment of compensation to owners;
(ii) besides land revenue, the State recovers instalments of compensation from the tenants; and
(iii) the State recovers land revenue and tenants pay instalments of compensation directly to the owners.

It was contemplated in the Plan that the aggregate amount of compensation and interest would be fully recovered from the tenants and would throw no additional financial burden upon the State Governments.

65.2.53 In regard to ceilings on agricultural holdings the principal questions for consideration posed by the Plan were as follows:

(i) to what land ceilings should apply;
(ii) the levels at which the ceiling may generally be fixed.
(iii) what exemptions should be made;
(iv) steps necessary to prevent malafide transfers;
(v) the rate of compensation for lands which are acquired, and
(vi) redistribution of lands which are acquired.

Steps to impose ceiling on existing agricultural holdings were proposed in the Plan which contemplated that it would apply to owned land held under personal cultivation the tenants being enabled to acquire rights of ownership on leased lands.

65.2.54 The issue whether the ceiling should apply to individual holdings or to holdings of families came up for consideration but remained undecided in the Second Plan. In determining the level of ceiling it was suggested that multiples of a "family holding" may be used. A family holding may be considered from two aspects, namely (a) as an operational unit, and (b) as an area of land which can yield a certain average income. Finding it difficult to correlate a family holding to a given level of money income adjusted to a supposed level of prices, the States were asked to decide the area of land which might be declared to be a family holding. The Plan outlined that it would be convenient to place the ceiling at about three Family holdings. The States were also delegated to decide whether the ceiling should apply to individual holdings or to holdings of families, and especially in the later case, the basis on which the size of the family should be allowed in the application of the ceiling.

65.2.55 The Plan admitted that malafide transfers of lands had taken place and recommended that suitable action should be taken

in respect of such transfers. It was considered necessary that each State should give urgent attention to the effects of malafide transfers made with the intention of circumventing ceiling on holdings and should consider action needed to prevent such transfers. Transfers of land already taken place should be reviewed and the question should be considered whether the ceiling should be determined as if the transfers had not taken place.

65.2.56 The Second Plan recommended that the categories of farms mentioned below may be exempted from the operation of ceiling laws:

(i) tea, coffee and rubber plantations;
(ii) orchards where they constitute reasonably compact areas;
(iii) specialised farms engaged in cattle breeding, dairying, wool raising, etc.
(iv) sugarcane farms operated by sugarcane factories; and
(v) efficiently managed farms which consist of compact blocks, on which heavy investment or permanent structural improvements have been made and whose break-up is likely to lead to a fall in production.

65.2.57 In regard to distribution of surplus land, tenants displaced as a result of resumption of land for personal cultivation, farmers with uneconomic holdings and landless workers were to be given priority after application of ceilings. Settlements of surplus lands should be made as far as possible on cooperative lines. The Second Plan, furthermore, recommended that detailed schemes for the resettlement on land of agricultural workers should be drawn up in each State.

65.2.58 The Second Plan also recommended the setting up of special boards in each State, including non-official members, for advising on resettlement schemes for landless workers and reviewing progress from time to time. It advised that a similar board should be constituted at the national level to review the questions of policy and organisation and the progress of land resettlement schemes in the country as a whole. The Second Plan also reiterated the utility of formation of cooperative societies to improve agricultural productivity and practices, to channelise credit facilities and to control marketing operations through them.

Third Five Year Plan (1961—66)

65.2.59 The Third Five Year Plan merely reiterated the provisions of respect of land reforms as already outlined in the first two

Plans. The ideals of setting up 'socialist pattern of society' and 'eliminating all elements of exploitation and social injustice within the agrarian system' were generally stated. The Third Plan declared that 'the first condition for securing equality of opportunity and achieving a national minimum is an assurance of gainful employment for every one who seeks work'.[1] In the resolution on the Third Five Year Plan adopted by the meeting of the All India Congress Committee in Raipur in October, 1960, it was pointed out that 'it is important to remember that the land reforms are the foundations for agricultural growth. The accepted programme for land reforms all over the country must, therefore, be completed without delay.'

Fourth Five Year Plan (1969—74)

65.2.60 The Fourth Five Year Plan came out with several practical proposals and relatively positive and concretised recommendations. The Plan reviewed existing land reforms and acknowledged that there were many gaps between objectives and legislation and between the laws and their implementation. The Plan noted that there had been leasing of land on a considerable scale, often unwritten, even in areas where intermediary tenures did not exist, and sub-leasing in areas where such tenures existed. The progress made in conferring ownership to the tenants had been to the tune of 16 per cent only, and tenants and share croppers with insecure tenure were estimated to be 82 per cent of the total number of tenants.

65.2.61 Furthermore, in view of the insecurity of informal tenancy and sharecropping the tenant or the sharecropper was either unable or reluctant to invest in inputs. The landowner also considered it unwise to invest for raising agricultural productivity. The Plan considered it an essential step forward that a cultivating tenant or a sharecropper should have effective security of tenure and the existing tenancies declared non-resumable and permanent. It, therefore, recommended the following measures:—

(i) All tenancies should be declared non-resumable and permanent (except in cases of land holders who are serving in the defence forces for suffering from a specified disability).

(ii) Where resumption by the landowner has been permitted,

[1]1961 The Third Five Year Plan : 10. New Delhi, Planning Commission, Government of India.

arrangements should be made for the quick disposal of such cases; where there is likelihood of large scale evictions taking place due to resumptions, the number of cases of resumption should be restricted.

(iii) 'Voluntary surrenders' should be regulated prohibiting landowners from taking possession of land already tenanted and empowering the Government or local authority to settle other tenants thereon.

(iv) Provision should be made for complete security of tenure in respect of homestead lands on which cultivators, artisans and agricultural labourers have constructed their dwelling houses.

(v) Legislation relating to security of tenure to sub-tenants should be implemented and that the provisions of law are not circumvented by the landlords should be ensured.

(vi) Legal provisions prescribing penalties for wrongful evictions should be enacted.

65.2.62 The Plan furthermore held that along with the security of tenure the regulation of rent should be put on a proper basis. It considered the statutory rents prevalent in some States to be still on the high side. It proposed that they should be brought down in course of time to the level recommended in the previous Plan.

65.2.63 The Plan recognised that sizable areas of land, which should have been vested in the State or settled with the tenants, have been retained by intermediaries through evasion and obstruction. The Plan accordingly recommended that State Governments should take action *suo moto* in the matter. The Fourth Plan pinpointed several other loopholes in the existing laws and suggested that the ceiling legislation should be thoroughly re-examined and reoriented to better effect.

Chief Ministers' Conference

65.2.64 In November, 1969, the Chief Ministers' Conference convened by the Minister of Food and Agriculture emphasised the need for a Central Body for watching the progress on land reforms and providing guidance to the State Governments. In September, 1970 a subsequent Conference of Chief Ministers on Land Reforms held in Delhi, which was also attended by the Prime Minister, decided that the entire range of problems connected with land reforms should be referred to a Central Body. Accordingly, a committee



called the Central Land Reforms Committee was constituted under the chairmanship of the Union Minister of Agriculture with the following terms of reference:

(i) to maintain continuous study of problems relating to the ownership management, cultivation and distribution of land;

(ii) to assist States in determining and carrying out programmes of land reforms;

(iii) to evaluate and report from time to time upon the operation, progress and effects of measures or land reforms including enforcement of limits on personal cultivation and ownership, reduction of rent, security of tenure, consolidation of holdings and prevention of their fragmentation etc.;

(iv) to advise on schemes of resettlement on land for the landless agricultural workers, conferment of ownership of homestead or house sites to the landless agricultural labourers, including members of Scheduled Castes and Scheduled Tribes, and other related problems;

(v) to recommend such measures and adjustments in land policy as may be necessary with a view to the fulfilment of the Directive of State Policy prescribed in the Constitution and the programmes and objectives of the five year plans;

(vi) to advise and assist the State in formulating proposals enacting suitable legislation and expediting implementation; and

(vii) to entrust special problems for study to individual experts and long-term problems to a Land Reform Centre.

Central Land Reforms Committee

65.2.65 The Central Land Reforms Committee in its meeting held on August 3, 1971, under the chairmanship of Minister of Agriculture made the following recommendations:

(i) Ceiling should be applicable to the family as a whole, the term 'family' being defined so as to include husband, wife and minor children.

(ii) Where the number of members in the family exceeds five, additional land may be allowed for such members in excess of five in such a manner that the total area admissi-

ble to the family does not exceed twice the ceiling limit for a family.

(iii) The ceiling for a family of five members may be fixed within the range of 10 to 18 acres (4.05 to 7.28 ha) of perennially irrigated land or land under assured irrigation from Government source for growing two crops. As soil conditions, productivity of land, nature of crop grown etc. vary from State to State and even within the same State from region to region, the Committee considered it desirable simply to indicate a range within which the ceiling should be fixed instead of suggesting rigid ceilings for the whole country.

(iv) For various other categories of land conversion ration should be fixed taking into account availability of water, productivity or soil classification, crops grown etc. The absolute ceiling for a family of five, even in the case of dry lands, should be put at 54 acres (21.85 ha). This limit would be relaxable if there is special justification for doing so on account of the nature of soil rainfall, chronic drought conditions etc.

(v) Exemptions in the existing State laws in favour of mechanised farms, well-managed farms etc. should be withdrawn.

(vi) The exemption in favour of the plantations of tea, coffee, cardamom, rubber etc. should be carefully examined in consultation with the Ministries concerned and State Governments. Thereafter, this and other types of exemption should be discussed with the Chief Ministers in order to formulate the national policy.

65.2.66 A high powered Committee of nine members consisting of Sarva Shri Fakhruddin Ali Ahmed, C. Subramaniam, H. R. Gokhale, V. P. Naik, Rajendra Kumar Bajpai, Dev Raj Urs, K. Karunakaran, Mohan Kumaramangalam and Barkatullah Khan, was appointed by the Congress President to review the question of ceilings and other allied matters relating to land reforms. The issues referred to it were considered by the Committee in its meeting in June, 1972. The Committee generally agreed with the recommendations of the Central Land Reforms Committee, but disagreed on the following points:

(i) The Committee took note of the definition of family' as suggested by the Central Land Reforms Committee and the discrimination that it carried between majors and

minors. The Committee was of the view that ceiling should be applied to the family of five as a unit, consisting of husband, wife and three children, whether major or minor. The major sons were included in the family unit of five persons.

(ii) It also recommended that to the extent that the actual number of members in a family was less than five, the ceiling should be reduced by a fifth per person.

(iii) It also recommended that exemptions be further restricted by (a) rigidly defining plantations, (b) withdrawing blanket exemptions in case of lands held by trusts, institutions etc.

(iv) It considered the arguments for and against a differential ceiling as between lands irrigated from public and from private sources and recommended that to the extent private irrigation had been provided, allowance should be made by giving to the landowner an advantage of 1 : 1.15. For example if for land irrigated from Government source the ceiling is 10 acres (4.05 ha) the corresponding ceiling for land irrigated by a private source will be 11.5 acres (4.65 ha) but subject to a maximum of 18 acres (7.28 ha). These ratio recommended by the Central Land Reforms Committee in this respect was 1:1.25.

65.2.67 The recommendations made by the Central Land Reforms Committee and also those of the nine member Committee were duly considered in the Chief Ministers' Conference on Ceiling on Agricultural Holdings held on July 23, 1972 in Delhi and the following guidelines were laid down:

Level of Ceiling:

(i) The best category of land in a State with assured irrigation and capable of yielding at least two crops a year should have ceiling within the range of 10 to 18 acres (4.05 to 7.28 ha) taking into account the fertility of soil and other conditions. Allowance may be made for land irrigated from private sources and capable of growing at least two crops in a year by equating 1.25 acres (0.50 ha) of such land with 1 acre (0.40 ha) of land irrigated from public source and capable of growing at least two crops in a year. The ceiling for such land irrigated from private source shall not, however, exceed 18 acres (7.28 ha). The term "irrigation from private sources" shall mean irrigation from tube-well or lift

irrigation from a perennial water source operated by diesel and/or electric power. There will be no reclassification of land falling within the categoriese referred to in clauses (ii) and (iii) below for the purpose of ceiling law consequent upon the completion of a private irrigation scheme subsequent to the 15th August, 1972.

(ii) In the case of land having assured irrigation for only one crop in a year, the ceiling shall not exceed 27 acres (10.93 ha).

(iii) For all other types of land the ceiling shall not exceed 54 acres. The areas where there is potential for sinking tube-wells the ceiling for dry lands may be kept below 54 acres (21.85 ha) at the discretion of the State Government.

(iv) In special cases like desert areas and hilly areas the ceiling for category (iii) may have to be relaxed. The State Governments may discuss specific cases with the Ministry of Agriculture before formulating their ceiling laws.

(v) In the cases of owners withholdings, consisting of different types of land, the total holdings after converting the better categories of land into the lowest category shall not exceed 54 acres (21.85 ha).

Unit of application of ceiling:

(i) The unit of application of ceiling shall be a family of five members, the term "family" being defined so as to include husband, wife and minor children. Where the number of members in the family exceeds five, additional land may be allowed for each member in excess of five in such a manner that the total area admissible to the family does not exceed twice the ceiling limit for a family of five members. The ceiling will apply to the aggregate area by all the members of the family.

(ii) Where both the husband and wife, held lands in their own names, the two will have rights in the properties within the ceiling in proportion to the value of the land held by each before the application of ceiling.

(iii) Every major son will be treated as a separate unit for the purpose of application of ceiling. It should be ensured that there is no discrimination between major children governed by different systems of personal laws.

Retropective effect:

The amended ceiling laws should be given retrospective effect from a date not later than January 24, 1971. A specific provision should be made in the ceiling law making it clear that the onus of proving the bonafide nature of any transfer of land made after that date will be on the transferor.

Exemption:

(i) The exemption in favour of plantations of tea, coffee, rubber, cardamom and cocoa should continue.

(ii) Lands held by the Bhoodan Yagnya Committee, Cooperative Banks, Nationalised Banks, Central or State Governments and Local Bodies should continue to enjoy exemption. Similarly, land held by industrial or commercial undertakings for non-agricultural purposes should be exempted from the ceiling law.

(iii) In the case of registered cooperative farming societies exemptions may be granted with the stipulation that while computing the ceiling areas for a member his share in the cooperative society will be taken into account alongwith his other lands.

(iv) Lands held by agricultural universities, agricultural colleges, agricultural schools and research institutions should be exempted from the ceiling law.

(v) State Governments may, at their discretion, grant exemption to the exsting religious, charitable and education trusts of a public nature. The institutions or trusts will not be exempted from the operation of tenancy law and all the tillers of the land should be brought in direct relationship with the trusts or institutions to the exclusion of all intermediary interests. No exemption should be allowed to private trusts of any kind.

(vi) In the case of existing Goushalas of a public nature and existing stud farms, the State Governments may take a decision in consultation with the Ministry of Agriculture.

(vii) No exemption should be allowed in the case of sugarcane farms. However, for the purpose of research and development, sugarcane factories may be permitted to retain an area not exceeding 100 acres (40.47 ha).

(viii) For the purpose of ceiling, the existing orchards may be treated as dry land and no additional land should be allowed to be retained as recommended earlier. Coconut and arecanut gardens, banana orchards, guava gardens and vineyards will not be treated as orchard. When surplus orchard land vesting in Government is distributed, the assignees should be required to maintain the orchards in tact.

(ix) All other existing exemptions including that in respect of lands given as gallantry award should be withdrawn.

Compensation:

(i) Compensation payable for the surplus land on imposition of ceiling laws should be fixed well below the market value of the property so that it is within the paying capacity of the new allottees mainly comprising of the landless agricultural workers who belong to Scheduled Castes nad Scheduled Tribes.

(ii) The compensation may be fixed in graded slabs and preferably inmultiples of land revenue payable for the land.

(iii) The scheme for compensation should be worked out in such a manner that there will be no financial burden on the Central and State Governments.

Distribution of Surplus Land:

While distributing surplus land, priority should be given to the landless agricultural workers, particularly those belonging to Scheduled Castes and Scheduled Tribes.

Target for enactment of new laws:

The amended ceiling laws should be enacted by 31st December, 1972.

Inclusion in the Ninth Schedule of the Constitution:

All the amended laws should be included in the Ninth Schedule of the Constitution.

Implementation:

Implementation will be the responsibility of the State Governments. They would set up non-official bodies at appropriate levels and place competent official organisation in order to administer the ceiling legislation. The concurrence of the Central Government will be obtained in respect of any incidental departure from the guide-

lines necessitated by the special conditions prevailing in any State or Union Territory.

Draft Fifth Five Year Plan (1974—79)

65.2.68 By the time the Fifth Five Year Plan proposals were being formulated, the gaps between ideals and objectives and between objectives and legislation and its implementation were absolutely apparent. This fact was realised and the draft Fifth Plan, therefore, recommended the following immediate steps:

(i) There should be speedy and effective implementation of the land reform measures recommended in the earlier Plans within a firm time-bound programme.

(ii) The ceiling provisions as recommended by the Central Land Reforms Committee in August, 1971, and accepted in the Chief Ministers' Conference on ceiling on Agricultural Holdings held in July 1972, should be enacted by the State legislatures and implemented promptly to bring in uniformity.

(iii) The programme of consolidation should be redesigned and it should be made effective after ensuring security of tenure, particularly to the sharecroppers. Integrated programme should be taken laying emphasis on complementary public works, taking the lands of small holders and the surplus waste lands meant for distribution to the new allottees in compact blocks within the folds of consolidation so as to effect the flow of public investments for the benefit of the under-privileged.

(iv) The records of tenancies should be updated and their maintenance ensured with adequate administrative and financial suport for the purpose.

(v) The administrative machinery should be geared up and given adequate training for implementing the land reform laws efficiently. Besides the officials entrusted with implementation of land refoms, its beneficiaries should also be made familiar with the provisions of laws. Efficient and effective implementation is possible if there is dynamic, firm and unambiguous political direction.

(vi) The tenants and landless labourers are not well organised to participate in implementation. So they

should be associated with the local committees in adequate proportions to facilitate implementation.

The above suggestions regarding the strategy for the draft Fifth Five Year Plan emanated from the experience of the actual developments in the country in respect of land reforms. The draft Fifth Five Year Plan was formulated with a very realistic and practical approach. It summed up the achievements in the field of land reforms, the short-falls in the State legislation, the gaps between policy, legislation and implementation.

65.2.69 The draft Fifth Five Year Plan also made certain policy recommendations given below:

(i) The programme for institutional changes calls for the priority to be accorded to the removal of gaps between policy, legislation and implementation. It is imperative that immediate legislative measures are undertaken for plugging the loopholes in the existing tenancy laws to ensure complete security of tenure, conferment of ownership rights on the cultivating tenant and sharecropper according to a time-bound programme.

(ii) The issue of 'personal cultivation' should be re-examined and the element of 'Supervision' involved in personal cultivation should be exercised by the land owner by being a resident of the same village or the adjacent village. Future transfers of agricultural lands should also be confined to persons who reside in the same village or the adjacent village.

(iii) Though leasing out cannot be totally stopped, yet it should be permitted only in such rare cases as specified disabilities or services in the defence forces. Even in such cases all contracts of tenancy should be in writing and should be for a fixed period.

(iv) High priority should be given to a comprehensive programme of preparation and maintenance of records of tenancy, on the basis of quick recording and updating of records of rights, particularly the recording of the rights of sharecroppers. It is necessary to accord importance to cadastral survey of the tribal areas.

(v) Distribution of surplus land to the new assignees should be expedited and it must be accompanied by the timely supply of inputs in adequate quantities and investment support.

(vi) Identification of all tenants and sharecroppers and conferment of permanent and heritable rights on them should be made before land consolidation operations are taken up. The land of the small holders and the surplus waste land available for distribution to new assignees should also be consolidated in compact blocks, which would facilitate the adoption of a policy of directing the flow of future public investments in irrigation and land development exclusively for the benefit of the under-privileged.

(vii) For removing the legal impediments in the way of implementation of land reforms the Civil Courts should not be involved in the work of implementation and that suitable Land Reforms Tribunals should be constituted in the nature of special itinerant courts for bringing justice to the door of the poor people.

(viii) The existence of effective organisation of the tenants and landless labourers would have facilitated better implementation of land reforms. Committees consisting of the beneficiaries should be constituted at the village and block levels. All landless labourers, sharecroppers and small holders may elect five to seven members from among themselves to constitute the village committees. Members of each village committee may elect one of their members to the block committee.

65.2.70 The draft Plan emphasised that 'Priority be accorded to the removal of gaps between policy, legislation and implementation'. It admitted that there were large scale ejectments through the device of 'voluntary surrenders' and that tenancies have been converted into *'Nawkarnamas'*, and that 'the objectives of tenancy reform still remain to be attained' and 'that immediate legislative measures are undertaken for plugging the loopholes in the existing tenancy laws to ensure complete security of tenure, conferment of ownership rights on cultivating tenants and sharecroppers according to a time-bound programme.'

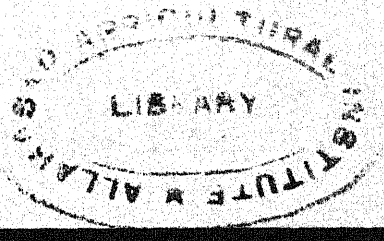
56.2.71. The draf Plan formulated its assessment of the land reforms enacted hitherto in the following words:—

"A broad assessment of the programme of land reform adopted since Independence is that the laws for the abolition of intermediary tenures have been implemented fairly efficiency whilst in the fields of tenancy reform

and ceiling on holding legislation has fallen short of the desired objectives, and implementation of the enacted laws has been inadequate."[1]

65.2.72 To sum up, land reforms policy during the last twenty-eight years of Independence has undergone a radical change and has acquired a new content and direction. The policy recommendations made by successive Five Year Plans, as also by various governmental Commissions and Committees described above, reflect a totally new outlook on agrarian relations. In a sense they are indicative of the aspirations of the Indian people, after Independence, for basic institutional and structural changes. It is now generally recognised that without restructuring rural society and transforming agrarian economic relations in such a manner as would unleash and develop the production capacity and initiative of the vast mass of cultivators, who are the actual tillers of the soil, no far reaching and permanent advance in the agricultural sector would be registered. The question is not merely that of meeting out social justice to the rural poor. The question is essentially an economic one having a bearing on our national life as a whole. Unless the agrarian society is regenerated and converted into a dynamic and rapidly growing system, both the base and super-structure of the national economy will remain weak and unstable. Bearing this reality in mind the planners and policy makers have helped to evolve a national consensus in favour of effective ceilings on big land holdings, tenancy reforms ensuring full occupancy and proprietary rights to all tenants, due protection to sharecroppers, strict control of rents, provision of house sites to the rural poor, distribution of all available arable land among the landless and land hungry peasants and finally complete elimination of all forms of feudal and semi-feudal exploitation such as bonded labour debt slavery, rack-renting, forced levies, labour etc. We shall analyse and evaluate in the next chapter the laws enacted to achieve these ends and the manner and method of their implementation.

[1] 1973. The Draft Fifth Five Year Plan, Vol. II : 43, New Delhi, Planning Commission, Government of India.



66

LAND REFORMS LEGISLATION AND IMPLEMENTATION

1 INTRODUCTION

66.1.1 It will be seen from the previous chapter that in India after Independence, the ideology of land reforms found a favourable soil. This was due to various reasons. In the first place the new rulers who had mobilised the peasantry in their anti-British struggle promising a more just social order had to make a fresh appeal to the peasant masses. Secondly, land reforms had necessarily to be a vital component of a wider socio-economic programme of national reconstruction in an agricultural country like India. For no worthwhile economic advance could be registered without liberating agriculture from the stranglehold of medieval semi-feudal production relations, and strengthening the essential food and raw material base of the national economy. Thirdly, the development of national industry could not advance without a rapid expansion of the internal market particularly on the basis of increased purchasing power of the peasantry. Fourthly, political stability in the country demanded that the class conflict and social tensions that characterised rural society for decades preceding the attainment of freedom, should be minimised by ensuring some measure of protection to the weaker sections of the rural population. Land reforms thus came to acquire an important place in the ideology of national reconstruction.

66.1.2 Experience of many liberated countries of Asia and Africa has shown that even though the new national governments have accepted land reforms as an integral part of the programme of national reconstruction, the enactment and enforcement of land reforms legislation has been a slow and tortuous process marked by many impediments. The actual extent to which effective land reforms have been carried out in any country has depended on power structure at the top, correlation of class forces in rural areas and the consciousness and organisation of the potential beneficiaries.

Hence, though the basic problems of land reforms have been more or less similar in many Asian and African countries, yet the pattern of legislative enactments and the method and manner of their enforcement have displayed a wide range of variations arising from different socio-economic conditions obtaining in different countries. For example, the land reforms that were carried out in Japan and in Taiwan in the post-war period could not be reproduced in India for obvious reasons. Similarly, the socio-economic conditions that obtained in China after the Second World War were so different from those which obtained in India that no parallels could be drawn between the two countries in this respect.

66.1.3 In India legislative enactments for land reforms during the last two and a half decades have been embodied in a programme for (a) abolition of intermediary tenures, (b) tenancy rights, (c) fixation of ceiling on land holdings, and (d) consolidation of holdings. Consolidation of holdings has been dealt with separately in Chapter 68. Since implementation is the key function of legislation, it has been discussed in this chapter.

2 LEGISLATION FOR ABOLITION OF INTERMEDIARIES:

Review of the Problem

66.2.1 The main concern of the land reforms programme in the first decade after Independence was the question of abolition of the so-called intermediaries. In its ordinary meaning the term "intermediary" implies any person who intervenes between the actual cultivator and the State. In the context of land reforms, however, the expression is understood in a narrower sense and indicates the holders of certain recognised proprietary or sub-proprietary tenures which had their origin in the system of statutory landlordism created by the British. The term intermediary in this context did not cover those big landowners in ryotwari areas with whom, as ryots, the Government had made direct land revenue settlements. The area of statutory landlordism constituted in 1947-1948 as much as 57 per cent of the privately owned agricultural land in British India. If we take the Indian princely States into account the percentage of land under this tenure would be larger.

66.2.2 The general compulsion underlying the abolition of the intermediaries was the glaring discrepancy between the concentration of land ownership in the hands of a parasitic class who played no

positive role in production, and the divorce from land ownership of the vast mass of peasants who were the actual cultivators. This discrepancy became the root cause of the state of chronic crisis in which Indian agricultural economy was enmeshed for several decades before the attainment of freedom. It remained a completely stagnant economy, the rate of its growth during the first half of the 20th century being less than half per cent per annum. An utterly weak and unstable agriculture of that nature, full of innumerable in-built constraints and contradictions could not possibly meet the growing food and raw material requirements of a new developing independent national economy. The abolition of feudal and semi-feudal vested interests thus became an essential prerequisite for facilitating the growth of productive forces in the country.

66.2.3 Legislative measures for the abolition of intermediaries were initiated soon after the attainment of freedom, starting with Uttar Pradesh and being followed up in other States. The whole process of legal enactments on this issue was completed in the country within a decade, that is, from 1950 to 1960. Since land reforms was a subject included in the State List under the Constitution, the actual enactments abolishing intermediaries were marked by certain variation from State to State though the salient features of most of those enactments were common.

66.2.4 The real significance of this legislation should be seen in the context of the strong and well entrenched position that the intermediaries had come to occupy, over the years, in the agrarian system, and the immense social, economic and political influence that they exercised over rural life. The main positive achievement of that legislation was that it curbed and restricted feudal and semi-feudal landownership over large parts of the country. This marked a big step forward towards preparing the ground work for the development of modern commercialised agriculture in India. It has been rightly claimed that abolition of intermediaries brought nearly 20 million cultivators into direct contact with the State. The real importance of that legislation lay in the fact that it brought about such changes in agrarian relations as had far reaching socio-economic consequences in subsequent years.

66.2.5 Legislation for the abolition of intermediaries as it was structured in the States where statutory landlordism was predominant, such as Uttar Pradesh, Bihar, West Bengal and Orissa, had been assailed on two major grounds. Firstly, that it gave much too high a rate of compensation to the intermediaries. Secondly, that in the name of self-cultivated holdings large areas of land variously

called as *sir* or *khudkasht* or *'khas'* land etc., were left intact in the possession of the intermediaries and exempted from the application of the abolition laws everywhere except in West Bengal where a ceiling on holding was simultaneously introduced.

66.2.6 Looking back now, one can say that the rates of compensation were high. It should have been realised by the law makers that large sums of money paid as compensation to an unproductive class of big feudal and semi-feudal landlords would inevitably lead to a serious wastage of capital resources so much needed for rural development at that time. No scientific investigation has been made in the matter but experience indicates that the bulk of compensation was either frittered away in consumption, or spent on buying urban property and on other prestigious items of expenditure normally incurred by the rural rich. It seems that in the earlier years a very small percentage of it was recycled to step up agricultural production. And this happened at a time when the country was experiencing serious difficulties in finding resources for the implementation of the First Five Year Plan.

66.2.7 The amount of compensation was originally estimated by the Reserve Bank of India at Rs. 350—400 crores during the formulation period of the First Five Year Plan. The total amount of compensation payable to the ex-intermediaries was later on estimated at Rs. 670 crores. The total payments made hitherto, either in cash or in bonds, comes to Rs. 360 crores against that estimate, and the payment is still in progress.

66.2.8 A new thinking has now emerged on the question of compensation which is reflected in the abolition of privy purses of the Indian princes and the Twenty-fifth Amendment to the Constitution. Suffice it to say that if the compensation rates had been fixed at a lower level, a good deal of waste of national capital could have been avoided and more economic resources could have been made available for schemes of rural development.

66.2.9 The second objection relates to the provisions of the Acts which treated *sir, khudkasht, khas,* lands etc., as personal property of the intermediary under self cultivation, and were, therefore, kept out of the purview of the Acts. It is true that these provisions constituted a major loophole in the law, which was utilised with deadly effect by the intermediaries. In fact these provisions negated in a considerable measure the beneficent effects of the legislation and helped to keep alive albeit in restricted dimensions, the social and economic base of feudal vested interests in the countryside. In effect, the bigger landowners through these provisions got the

opportunity to carve out their own *sir* and *khudkasht* lands, both in respect of location and area. They also got the freedom to resort to large scale evictions of tenants and sharecroppers for this purpose. The spate of land grabbing and mass evictions resorted to by the landlords in that period exercised a baneful effect, both material and moral, on village life and foiled largely the new hopes and aspirations generated among the rural poor by land reforms legislation.

66.2.10 The question has been debated whether these concessions were in the nature of errors arising from miscalculations in the process of law making or whether they were provided for deliberately under a positive understanding and policy.

66.2.11 On a sober assessment of the situation it would not be correct to treat these concessions as accidental lapses in law making nor would it be correct to detect some vicious designs of the law makers behind these concessions. The fact of the matter is that land reforms legislation at that time had a specific direction and content, which was to replace, by stages, the feudal and semi-feudal methods and forms of production by modern commercialised farming, undertaken by self-cultivating landowners. The pattern of land relations was sought to be reformed in order to achieve this objective. Hence, adequate areas of land from which tenants were allowed to be evicted were left to the intermediaries for enabling them to become modern self-cultivating farmers. Similarly, compensation rates were fixed on the higher side in order to provide capital resources to the ex-intermediaries to invest in land for improving cultivation. This is not to deny the fact that political pulls and pressures were exercised by the bigger landed interests to secure those concessions. But whatever they could secure in that way could not be outside the framework of the basic Governmental policy on land reforms. To what extent the above mentioned objectives of the land reforms policy were realised in practice, we shall see in a subsequent chapter. Suffice it to say that the abolition of statutory landlordism, covering a variety of intermediary tenures has now been more or less accomplished. What remains of the system in isolated pockets are certain types of *inams* which are also in the process of abolition.

Salient Features of Legislation

66.2.12 It would now be of interest to examine some of the outstanding features of Legislation for the abolition of the intermediaries in different States where the intermediary tenure system

was predominant. The details of the Legislation are furnished in the Appendix 66.1.

66.2.13 It took four long years for the Uttar Pradesh Zamindari Abolition and Land Reform Act, 1950 to be passed by the Legislature. The Act became effective after another two years. This long gestation period not only delayed implementation, but enabled the bigger intermediaries to convert large areas into *sir* and *khud-kashi* lands and effect very large scale evictions. An amount of Rs. 136 crores has already been paid as compensation to the ex-intermediaries and 2.43 Mha of land have vested in the State under this Act.

66.2.14 The provisions of the Bihar Land Reforms Act, 1950, which came into effect from September 25, 1950, were not applied to all the intermediaries at a time, but were applied gradually, following Government notifications in the case of each estate. Besides, large areas of '*khas*' lands were left in the hands of the ex-intermediaries as in Uttar Pradesh. Manipulations either for inflating the amount of compensation or for retaining more land through various types of transfers or partitions etc., in anticipation of the ceiling law could therefore be easily resorted to by the intermediaries. The intermediary interests of the Tata Iron and Steel Company Ltd. of Jamshedpur in Bihar could not be taken over because of a writ petition filed by that company in the Supreme Court taking advantage of the contradictory amendments in the Act made in 1954, 1959 and 1960 relating to lands which had been acquired under the Land Acquisition Act, 1894 for the purpose of industrial undertaking. A sum of Rs. 29 crores has already been paid as compensation to the ex-intermediaries in addition to a sum of Rs. 27.35 crores by way of interim compensation.

66.2.15 West Bengal Legislature laid down certain important provisions in the West Bengal Estates Acquisition Act, 1953 which at that time were not found in the legislation of other States except that of Jammu & Kashmir. Besides abolishing all grades of intermediaries at one stroke, a ceiling on holdings at 25 acres (10.12 ha) per individual holder was fixed. Transfer effected between May 5, 1953 and the date of vesting, *i.e.*, April 15, 1955 with a view to defeating the provisions of the Act could be declared void. The under-ryots holding land from the ryots were upgraded as ryots and came in direct relationship with the State. An amount of Rs. 52.25 crores has so far been paid as compensation leaving a balance of Rs. 14 crores. Consequent to the provisions of the Act, 386.2

thousand ha of agricultural lands were vested in the State in addition to 392.9 thousand ha of forest lands.

66.2.16 The Orissa Estates Abolition Act, 1951 provided that intermediary interests could be abolished either by specific notification for each estate or for different categories of landowners. Agricultural and horticultural lands in '*khas*' possession of the ex-intermediaries were settled with them without any condition. The Act however provided that transfer made by ex-intermediaries after January 1, 1946 with a view to defeating the provisions of the Act could be declared void. Compensation amounting to Rs. 7.26 crores has already been paid and Rs. 1.74 crores is outstanding.

66.2.17 The peculiar feature of the abolition of intermediaries in Andhra Pradesh was that in addition to compensation some of the bigger *jagirdars* were given cash grants of a hereditary nature. Besides, pensions were to be granted to the retired officials of the *jagirdars*. The abolition of some of the larger minor *inams* was also deferred pending certain amendments in the Act. An amount of Rs. 23.65 crores has so far been paid as compensation and 3.87 Mha of land have vested in the State.

66.2.18 Resumption of *jagirs* in Rajasthan was seriously delayed due to legal and political obstruction caused by the erstwhile intermediaries. The matter was referred to the Prime Minister for arbitration twice. The Act had to be amended in the light of Prime Minister's award and the tussle came to an end as late as 1959. Ultimately the so-called '*khudkasht*' lands of the intermediaries were settled with them as *khatedar* tenants. An amount of Rs. 45 crores has already been paid as compensation in Rajasthan leaving a balance of Rs. 3.87 crores to be paid in cash and Rs. 4.63 crores in bonds.

66.2.19 Some of the enactuments to extinguish certain intermediary rights in Tamil Nadu were passed as late as 1964, 1969 and 1972. Besides, even some of these delayed enactments were held as void by the Supreme Court and implementation was consequently further delayed. In Tamil Nadu compensation amounting to Rs. 6.88 crores has so far been paid and a sum of Rs. 7.22 lakhs is still outstanding. An area of 3.65 Mha has so far vested in the State under this system.

66.2.20. Although *ryotwari* tenure was the dominant system in Maharashtra, yet a series of enactments to abolish intermediary rights had to be passed in the State to eliminate the *inams*, *jagirs* and other special intermediary tenures during a period of ten years from 1949 to 1959. An amount of Rs. 5.18 crores has been paid

as compensation in Maharashtra leaving a balance of Rs. 0.55 crores. An area of 732 thousand ha land has vested in the State.

66.2.21 Action taken to abolition all types of intermediary rights in Karnataka was also belated. Though initial action commenced in 1948 yet the full enactment, *viz.*, the Mysore Land Reforms Act was passed in the year 1961 and amended in 1968 and 1974. Eight hundred and eighty thousand ha of land have vested in the State after the abolition of intermediary rights.

66.2.22 Abolition of the intermediaries in Kerala materialised much later. The Act of 1960 was struck down by the Supreme Court. Thereafter, a fresh legislation was passed in 1963 and put into effect partially, and the main provisions relating to abolition of intermediary rights could not be enforced till 1969. The total amount of compensation involved in the abolition of all types of intermediary rights in Kerala has been worked out at Rs. 67.17 crores.

66.2.23 The tenure abolition laws in Gujarat had a two-fold aspect as in West Bengal, that is, the intermediary tenures were abolished, and the tenant cultivators were upgraded to the status of full occupants. In Gujarat as many as thirty legislative enactments had to be made in order to abolish various types of intermediaries. Even as such, the *devasthan inams* were left out and the Act to abolish them was passed as late as in 1969, which again, was partially injuncted by the Supreme Court. A sum of Rs. 3.90 crores was paid towards compensation and Rs. 11.70 crores was paid in the form of annuities. A sum of Rs. 50 lakhs is still being annually paid as cash annuity.

3 TENANCY LEGISLATION

Analysis of the Background

66.3.1 "Land to the tiller" was one of the major slogans meant to mobilise the mass of peasantry in the struggle against British rule during the thirties and the forties. This slogan was specifically directed against the bigger landlords who were the main props of British administration. The radically minded sections in the national freedom movement tried to interpret it as to mean complete abolition of the landlord-tenant nexus and recognition of every cultivator as the owner of the land he tilled. The moderate political opinion interpreted it as a demand for more effective and broad based tenancy

laws, ensuring fair rents and security of tenure to the tenant cultivators. Thus, during the first phase of the post-Independence land reforms, which was concerned mainly with the abolition of intermediaries, certain amendments to the then existing tenancy laws were carried out along with legislation for the abolition of intermediaries, extending the scope of protection to the tenants of exintermediaries particularly in areas under statutory landlordism.

66.3.2 The provision of a larger measure of protection to tenants as indicated above, however, set into motion a contradictory social process, namely that of mass eviction of tenants, sub-tenants and sharecroppers through various legal and extra legal devices. In fact, a big drive to clear land of tenant occupants was started by landlords in order to save for themselves the maximum area as *'sir' 'khudkasht'* or other categories of so called self cultivated land. So powerful was the eviction drive, that in the years immediately following the intermediary abolition legislation, the old tenancy arrangements between the landlords and tenants broke down and it took years for new arrangements to take shape. Many evaluation studies testify to the fact that the first phase of post-Independence land reforms brought in its wake an unprecedented wave of eviction of tenants and share croppers. The highly defective land records, the prevalance of oral leases, absence of rent receipts, non-recognition in law of sharecroppers as tenants, and various punitive provisions of the tenancy laws were utilised by the landlords to secure the eviction of all types of tenants. Innumerable evictions were effected in the process of "resumption" of land by landowners. Where law failed, evictions were effected through coercion, intimidation and even violence and the so called "voluntary surrenders" were secured even from protected tenants in very large numbers.

66.3.3 Khusro, who was one of the first to study this phenomenon, came to the conclusion that after Jagirdari Abolition and Land Reforms in Hyderabad, the "diminution of tenant cultivated and *batai* cultivated area need not be looked upon as a completely honest and welcome change as it was achieved partly through desirable and partly through illegal and altogether objectionable methods of naked or subtle evictions." He stated further that "there are good grounds for believing that the animosity of the landlord is directed not so much against the tenant as against his protected status and it is most likely that once this protected status was destroyed, a large part of the recovered lands were leased out once again to unprotected (ordinary) tenants. All the same, many a landlord, once bitten twice

shy, thought it not wise to lease out again and kept the land under his own management[1]".

66.3.4 Dandekar and Khudanpur after studying the working of Bombay Tenancy Act, 1948, in their 'Report of Investigation' observed that "for all practical purposes the Act did not exist", because as they said "firstly, the extensive resumption and changes of tenants that took place even after the enforcing of the Act showing that the protection given to the tenants could not be effective in practice; secondly, more or less a normal market in land showing that the provisions for promoting the transfers of lands into the hands of tillers were not quite effective; and thirdly, an almost complete absence of any signs of lowering the share and cash rents or of any changes in the tenancy practices[2]". They drew pointed attention to the social and poitical pressures exercised by the majority of landlords over the tenants, on the basis of which a large number of voluntary resignations were induced by them from the tenants.

66.3.5 A similar situation developed in West Bengal, where the enforcement of the West Bengal Estates Acquisition Act, 1953, was preceded and followed by a big spate of evictions of sharecroppers. In Uttar Pradesh certain provisions of the Zamindari Abolition Act were extensively used to eject the maximum number of tenants from *sir* and *khudkasht* lands. Many official documents recognised the fact that the tenancy provisions of the Bihar Land Reforms Act, 1950 remained ineffective in practice. In Andhra Pradesh not only were tenants evicted in large numbers, but it also became very difficult for them to procure land on lease after the introduction of land reforms. The same happened in Gujarat. In Orissa, where statutory landlordism was dominant, tenancy legislation remained on paper. These are a few illustrative examples of a universal phenomenon of mass eviction of tenants resulting in a virtual breakdown of the tenancy arrangements that prevailed before the introduction of new land reform measures. It may, however, be noted here that the brunt of those evictions was borne by the poorer and weaker sections of tenants and sharecroppers who constituted the great bulk of tenants and who were till then largely unprotected by law. The upper and middle sections of tenants who had already secured a measure of protection under the pre-Independence Tenancy Acts, not only saved

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[1]Khusro, A. M. 1958. Economic and Social Effect of Jagirdari Abolition and Land Reforms in Hyderabad : 73-75, Hyderabad, Department of Publications, University Press, Osmania University.

[2]Dandekar V. M. and Khudanpur, G. J. 1957, Working of Bombay Tenancy Act, 1948, Report of Investigation : 187.

themselves from evictions, but were also able to take advantage of the provisions of the new tenancy reforms.

66.3.6 Thus, on a close analysis of the situation, one can say that the first round of post-Independence land reforms lasting roughly for about seven years from 1948 to 1955 of which the main achievement was abolition of intermediaries, brought about a breakdown of the earlier tenancy arrangements, to the disadvantage of weaker tenant who constituted a very large section of the tenancy. To counteract this, the law makers in most of the States tried to enact or amend tenancy laws in the subsequent ten years or so and tried to plug certain glaring loopholes in the existing enactments and enlarge the area of the protection to tenants.

66.3.7 The major aspects incorporated in tenancy legislation in different States during the last two and half decades can be identified as follows:

(i) security of tenure;
(ii) termination of tenancy;
(iii) resumption for personal cultivation;
(iv) surrenders;
(v) regulation of rent.

66.3.8 The term 'tenant' has been variously defined in different States. In erstwhile Bombay, no distinction was made between the sharecroppers and the tenants paying fixed produce rent or cash rent. In West Bengal, there were certain tenants paying either in fixed or in share produce who were distinct from the sharecroppers in the sense that they enjoyed permanent, heritable and transferable occupancy rights. The sharecroppers as such were not treated as tenants in West Bengal nor in Assam, Bihar, Orissa and the erstwhile Travancore Cochin State. Besides, by practice and custom persons employed as partners (*sanjhis*) by the landlords on terms of payment of a share of the produce were not treated as tenants in a large number of States and no tenancy rights accrued to them.

66.3.9 Tenancy reforms concern generally the following classes of persons :

(i) tenants of home—farm lands of the intermediaries;
(ii) sub-tenants of the intermediaries;
(iii) tenants holding lands from the ryots in the ryotwari areas; and
(iv) sharecroppers who are in most of the areas not included in the definition of the term 'tenant' though they have all the characteristic features of a tenant.

66.3.10 The main recommendations in respect of tenancy reforms were laid down by the First Five Year Plan as follows:

(i) conferment of the right of occupancy on all tenants subject to the owner's right to resume a limited area for personal cultivation;

(ii) resumption for personal cultivation to be permitted upto three family holdings, which could be cultivated by the adult workers belonging to the land owner's family with the assistance of agricultural labour to the extent castomary among those who cultivate their own land;

(iii) only those owners to get the right to resume land who cultivate land theemselves that is to say, who are *bonafide* agriculturists;

(iv) the landowners to exercise the right of resumption for personal cultivation within a period of five years;

(v) the tenants of the non-resumable area, or areas in which the landlords fail to exercise the right of resumption within five years, to get the right of purchase; the price to be determined in terms of multiple of the rental value of the land and payment being made in instulmentsffi the Government to establish direct contact with the tenants of the non-resumable area; and

(vi) a rate of rent exceeding one-fourth or one-fifth of the produce to be regarded as requiring special justification.

Important Features of Tenancy Legislation

66.3.11 Tenancy reforms in different States exhibited considerable variations though maintaining a broad similarity of pattern. This will be evident from the position in each State as furnished in Appendix 66.2. We summarise below certain noteworthy features of tenancy legislation in some of the States.

66.3.12 The experimental measure to confer ownership right to all ordinary tenants in 1955 in Andhra Pradesh was not extended to the entire State at that time. A subsequent attempt in 1968 to confer ownership on the tenants in the entire State was thwarted by the landowners and a Division Bench of the local High Court struck down the relevant provision on the ground of being vague and unworkable in practice. The ordinary tenants by and large could not therefore acquire ownership right. Furthermore, the landowners were given a continuous right of resumption upto three family holdings by the Andhra Tenancy Act, 1956. This right has however been restricted

lately by the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holding) Act, 1973. The term 'personal cultivation' has been loosely defined to include cultivation by the relatives of the landowner. The small land holders (3 to 38 acres) (1.21 ha to 15.38 ha) were permitted to fix any price for sale of their land to the tenants. The level of rent was also on the high side exceeding the recommendations of the Plan.

66.3.13 In Assam the period of continuous possession of land, which was the main criterion for the acquisition of occupancy rights, has been reduced from twelve years to three years. Sub-letting, both by occupancy and non-occupancy tenants, has been banned. The rights of the lessor can be acquired by the lessee in case of any contravention of the ban. It has been provided that in case of resumption of land for personal cultivation the tenant would be left with an area of 3 1/3 acres (1.35 ha). But the continuous right of resumption under the Adhiars Protection Act and the liability of the tenant to vacate the land in his possession whenever the landowner wanted it back for self cultivation has seriously militated against security of tenure.

66.3.14 The Bihar Tenancy Act, 1885 provided that an under-ryot could acquire right of occupancy on the expiry of twelve years of continuous possession provided that such under-ryot held land from a ryot owning more than 5 acres (2.02 ha) of irrigated or 10 acres (4.05 ha) of other lands. The under-ryots were liable to ejectment on the expiry of the written lease. Subject to other provisions the ryot was entitled to resume land for personal cultivation from the under-ryot after leaving 5 acres (2.02 ha) of land with the under-ryot. The '*bataidar*' (sharecropper) was not treated as a tenant though a recorded '*bataidar*' could acquire occupancy right under the Chota Nagpur Tenancy Act, 1908. The *bataidar* was liable to ejectment either on the expiry of written lease or for resumption of land by the ryot for his personal cultivation. By an amendment in 1956 in the Bihar Tenancy Act the share of the produce payable by a sharecropper to his landowner was reduced from 50 per cent to 45 per cent. By a further amendment in 1967 the tenant was entitled to apply to a court if he was threatened with eviction, and the court could issue injunction on the landlord preventing such eviction. It also provided for the setting up of *batai* disputes settlement boards consisting of one representative each of the landlord, the tenant and the Government. The Bihar Privileged Persons Homestead Tenancy Act, 1947, provided that the agricultural workers and poor peasants with holdings below one acre or 0.4 ha would be

conferred permanent occupancy right over their homestead land on payment of fair and equitable rent.

66.3.15 The landowners in Gujarat are not liable to contribute towards cost of cultivation. They can also terminate the tenancy either for personal cultivation or for any non-agricultural purpose. There is no time limit for such termination. There are different rates of purchase price for the acquisition of ownership by the tenant, the lower rate for the protected tenants and the higher rate for other tenants. Surrender of tenancies is barred. The provision of restoration of possession to tenants dispossessed between June 15, 1955 and March 3, 1973 was so much circumscribed by conditions that it was very difficult for the dispossessed tenants to get back their lands. Similarly, the subsequent opportunity provided by the Amending Act of 1973 to acquire ownership of holding by the tenants is so much over ridden by provisions that the scope becomes extremely limited. Occupancy rights were offered to 1.38 million tenants in Gujarat who were eligible to acquire occupancy right prior to 1970. But only 0.82 million tenants could avail of the benefits of legislation and the balance 0.55 million tenants could not enjoy the benefits due to various reasons, *viz.*, non-appearance before the tribunal, incapability to pay instalments of price etc. Out of the total of 291,988 cases on record pending by June, 1974, 67,082 cases were disposed of leaving a balance of 224,906 cases pending on July 1, 1974. Occupancy rights have been conferred on only 29,719 tenants between March 3, 1974 and June 30, 1974 in respect of 30,000 ha of land.

66.3.16 A tenant in Haryana cannot be ejected from a minimum area of 5 standard acres (2.02 ha), within the permissible limit of resumption by the landowner, until the tenant is provided with an alternative piece of land by the State Government. Security of tenure is conferred on the tenants holding any land in excess of 30 standard acres (12.14 ha) retainable by the landowner. There was no time limit on resumption until the recently enacted President's Act. Voluntary surrenders have practically remained unregulated and the level of rent in Haryana exceeds the level recommended in the Plan. It is reported that upto March 31, 1973, about 143.9 thousand ha of land were resumed for personal cultivation, involving 77,806 tenants; about 41,099 cases were recorded relating to surrenders involving 61.9 thousand ha of land; and ownership right was purchased for 64.6 thousand ha of land by 25,781 tenants.

66.3.17 The right of resumption in Himachal Pradesh is limited to only 1 1/2 acres (0.61 ha) of irrigated land or 3 acres

(1.21 ha) of non-irrigated land, the balance of non-resumable land can be settled with non-occupancy tenants in occupation on payment of due compensation. Surrenders have not been properly regulated in Himachal Pradesh.

66.3.18 The rates of rent payable by the tenants to their landowners in Jammu & Kashmir vary on the basis of area of land held by the landowner. The tenancy law provides that there should be no tenant-at-will and sharecropping should be completely abolished. But it appears that sharecropping still continues in a concealed form. The right of resumption was restricted upto 3 acres (1.21 ha) leaving a balance of 2 acres (0.81 ha) of land with the tenants.

66.3.19 Though the major provisions of tenancy reforms in Kerala came into force as late as 1970, yet the redeeming features of the Act are that (a) the term 'tenant' has been defined to include informal sharecropper, (b) the *'Kudikidappukars'* (hutment dwellers) are given proprietary rights on their homestead lands, (c) no resumption is allowed from the tenant belonging to the scheduled castes or scheduled tribes, and (d) no surrender can be made except in favour of the State Government. The landlords in such cases are debarred from entering into surrendered or abandoned lands. Of the 1,079,256 applications received upto December 31, 1974 for the acquisition of ownership rights only 395,704 cases were allowed and 121,089 cases were rejected. More than 0.50 million such cases were pending before the Land Tribunals in 1974. Of the 338,420 applications received by the same time for purchase of homestead plots 208,003 cases were allowed, 113,091 cases were rejected and the balance was pending.

66.3.20 Sub-letting, except in specified circumstances, was prohibited in Madhya Pradesh and in cases of leasing out, the leasee automatically becomes an occupancy tenant with the right to acquire *bhumiswamy* rights.

66.3.21 In Maharashtra different rates of rent are payable by tenants in different regions. The landlord is not liable to make any contribution towards the cost of cultivation, and the tenant is liable to pay (a) land revenue, (b) irrigation cess, (c) local cess under the Bombay Local Boards Act, 1923 and (d) cess levied under the Bombay Village Panchayat Act, 1933. The landowners are allowed to resume land for personal cultivation upto the ceiling area leaving at least half of the leased area with the tenant. The landlord cannot terminate a tenancy for resumption if the tenant has become a member of a cooperative farming society and till he continues as

such. The tenants are allowed to surrender their tenancies and the landlord is allowed to retain the surrendered land subject to the above provisions. It has been reported that an area of 187.3 thousand ha of land was resumed for personal cultivation in the State affecting 84,668 tenants. 121.711 cases were recorded where lands were surrendered by the tenants. The area involved was 543.7 thousand ha. It is estimated that 1.14 million of tenants became owners by purchasing 1.34 Mha of land out of the estimated eligible number of 2.4 million tenants. The rest could not acquire ownership right mainly due to voluntary surrenders, non-appearance before the tribunals and in many cases due to failure to pay instalments of compensation in time.

66.3.22 The enactment of tenancy reform was very much belated in Orissa and the provisions came into effect only from October 1, 1965. In all, 297,582 cases of tenants under different sections of the Land Reforms Act were instituted by the end of March, 1974, out of which 277,705 cases were disposed of.

66.3.23 Voluntary surrenders have remained unregulated in Punjab and tenants can be freely ejected. The provisions of maximum rent do not appear to be effective and the rent commonly exceeds the level provided for in the Act, which in turn exceeds the level recommended in the Plan. Provision for transfer of ownership to tenants in respect of the non-resumable area is also lacking and the sharecroppers do not have any rights.

66.3.24 In Rajasthan resumption was earlier allowed even in case of leases made before 1948-49 but the Act was amended subsequently not allowing such resumptions. Consequent to the implementation of Rajasthan Tenancy Act, 1955, *khatedari* rights have been conferred on 821,943 tenants involving an area of 1.74 Mha of land.

66.3.25 Eviction of cultivating tenant, whether at the instance of the landlords or in execution of a decree or order of the Court, is barred in Tamil Nadu as provided in Section 3 of the Madras Cultivating Tenants Protection Act, 1955 (as modified upto September 30, 1965). Besides, a cultivating tenant who was in possession of any land on December 1, 1953 and was dispossessed subsequently, is entitled to be restored to such possession on the same terms as it stood on December 1, 1953. However, there is no provision to confer ownership on the tenants as yet and the level of rent exceeds the rate as stipulated in the Plan.

66.3.26 The intermediaries in Uttar Pradesh, possessing their unlet *sir* and *khudkasht* lands were given the status of *bhumidars*

without any payment to the Government. Secondly, four new tiers of tenancies were created there. However, all tenants were conferred complete security of tenure. No resumption was allowed to landowners on grounds of personal cultivation, a feature which is unique in the country. Ownership to the tenants has been conferred in respect of 18.5 Mha of land.

66.3.27 Neither the West Bengal States Acquisition Act, 1953, nor the West Bengal Land Reforms Act, 1955 treated the sharecroppers as tenants in West Bengal. Though heritable right has been bestowed on the sharecroppers, yet the right of resumption by the landowner for his personal cultivation and the practice of rotating a sharecropper from plot to plot to disprove his continuity of possession militate against security of tenure for the sharecroppers.

Summing up of Tenancy Reform

66.3.28 The specific features of tenancy legislation in India arise from the basic framework of land reforms policy adopted by the law makers, which favoured neither the wholesale expropriation of landlordism in the interest of tenant cultivators nor the wholesale expropriation of tenant cultivators in the interest of large scale farming by big landlords. A middle course was adopted and successive five year plans and the panels and committees for land reforms set up by the Central Government laid down the objectives of tenancy legislation as follows:

(i) security of tenure to be conferred on tenant cultivators in the interest of social justice and agricultural production;
(ii) fair rents to be fixed for tenants;
(iii) landowners to be permitted to resume land for self cultivation upto a limited area; and
(iv) on non-resumable areas, landlord-tenant relationship to be ended and the tenant cultivators on those areas to be brought into direct contact with the State as peasant proprietors.

66.3.29 A survey of the tenancy legislation enacted during the last two and a half decades would show that while considerable progress has been made in the field of tenancy reforms many serious deficiencies and loop-holes in law still persist which impede the full realisation of the above mentioned objectives. The following

outstanding drawbacks in the present structure of tenancy reforms can be identified.

66.3.30 Firstly, the definition of the term "tenant" generally excludes the sharecroppers who form the great bulk of tenant cultivators in all parts of the country and who also constitute one of the most vulnerable sections of rural society. The sharecroppers as such were not treated as tenants in West Bengal, Assam, Bihar, Orissa, erstwhile Travancore Cochin, Punjab and Haryana. Besides, by practice and custom, persons employed as partners (*sajhis*) by the landlords on terms of payment of a share of the produce were not treated as tenants in some States and no tenancy rights accrued to them *e.g.,* in Uttar Pradesh. In Kerala and Maharashtra the term 'tenant' has now been defined to include informal sharecroppers. Not only are the sharecroppers kept outside the area of protection provided by tenancy legislation in many States, but in some States, as in Uttar Pradesh and Madhya Pradesh where leasing out of land is legally prohibited, the very existence of sharecroppers is not recognised, and the tenancy law takes no cognisance of them. A fiction is maintained there that since the law does not permit subletting of land, there are no sharecroppers and the question of giving them any protection, therefore, does not arise. The reality, on the other hand, is that in all States most of the leasing out is done in the form of sharecropping and the exclusion of sharecroppers from the scope of tenancy legislation deprives millions of real tillers of the soil of the protection and rights provided for tenants under tenancy reform measures.

66.3.31 Secondly, ejectment of tenants from their holdings is still permissible on many grounds and this is essentially a continuing hangover of feudal tenancies. Total eviction from land is one of the besetting evils of the present tenancy system, which weakens very seriously the position of the tenant *vis-a-vis* the landowner.

66.3.32 The Report of the Panel on Land Reforms of the Planning Commission, 1958, clearly recommended that pending the enactment of comprehensive legislation for tenancy reforms, the following steps should be taken with immediate effect:

(i) "Ejectment of tenants or sub-tenants should be stayed. Ejectment on grounds of non-payment of rent or misuse of land may be permitted through the due process of law.

(ii) Tenants who have been dispossessed of their lands in recent years should be restored except where ejectments were made through the courts for non-payment of rent or misuse of land. 'Voluntary surrenders' result mainly

from landlord's influence and the tenants' low bargaining power. All such surrenders should be treated as cases of ejectments and restoration provided for.

(iii) All tenants should come into direct relation with the State which should undertake the obligation to recover fair rents from the tenants and pay it to the landlord after deducting the cost of collection[1]".

66.3.33 The grounds of termination of tenancy as laid in the tenancy laws of various States make a very long list. The main grounds found to be used for termination of tenancy are: (a) non-payment of rent; (b) failure of payment within a given period; (c) failure to deliver share produce within a given time; (d) failure to comply with any order of a court; (e) failure to deposit arrears within 15 days or within given time; (f) failure to pay balance, if any, of fair rent after it is determined within a specified period; (g) failure to pay rent regularly without reason; (h) sub-letting, sub-leasing or otherwise illegally transferring the land; (i) subdividing the holding; (j) failure to cultivate properly; (k) failure to cultivate personally; (l) failure to cultivate in the manner and extent customary; (m) use of land in an unauthorised manner; (n) keeping the land fallow continuously for two years; (o) using the land for non-agricultural purposes; (p) failure to execute agreement; (q) expiry of the term of lease; (r) land is required or reserved for personal cultivation of the owner; (s) land in possession of the owner is below the permissible limit; (t) land in possession of the tenant is in excess of the permissible limit; (u) breach of conditions of a tenancy contract; (v) denial of landowner's title; (w) failure to give notice of harvesting; and (x) removal of produce before division.

66.3.34 While many of the above reasons for termination of tenancy could be maintained in one context or the other, there is no reason why tenancy should be terminated on the following grounds: (a) failure to give notice of harvesting (Tamil Nadu); (b) removal of produce before division of crop (Tamil Nadu); (c) failure to execute agreement (Punjab & Haryana); (d) failure to cultivate land properly (Orissa); (e) failure to cultivate in the manner and extent customary (Punjab & Haryana); (f) keeping the land fallow for two years (Assam); (g) failure to deliver share of the produce within specified time (Assam, Andhra Pradesh—Andhra Area); (b) failure to deposit arrears of rent within 15 days of the final order in cases of

[1]1958. Report of the Panel on Land Reforms : 58, New Delhi., Planning Commission, Government of India.

disputes (Andhra Pradesh), Maharashtra (Marathwada, Vidarbha areas) and Gujarat (Cutch area).

66.3.35 Thirdly, provisions regarding 'voluntary surrenders' have become the biggest instrument in the hands of the landowners to deprive tenants of their due protection. The so called 'voluntary surrenders' are hardly ever voluntary. Landowners resort freely to pressures and even coercion to secure surrenders in order to get their tenanted lands vacated. Experience has shown that implementation of tenancy laws has everywhere been accompanied by large scale 'surrenders' of tenancies which defeat the very purpose of tenancy legislation.

66.3.36 The Third Five Year Plan sought to plug this loophole by the suggestion that (a) 'surrenders' should not be regarded as valid unless they were registered with the revenue authorities and (b) even where 'surrenders' were held to be valid, the landowner should be allowed to take possession of land only upto the right of resumption permitted. These provisions were included in the tenancy laws of certain States but even that did not bring about any material change in the situation. As long as the landowner could derive any advantage from surrenders he could manoeuvre to get them registered and even approved by the local land revenue authorities. The Fourth Five Year Plan, therefore, suggested that the landowner should not be allowed to regain possession of the surrendered land and that the Government should allot such land to other eligible persons. This suggestion has, however, not yet been incorporated in tenancy laws of most of the States. There are no provisions for the regulation of surrenders in Tamil Nadu, Punjab, Haryana and Uttar Pradesh. Provision for the scrutiny of surrenders by revenue authorities has been made in Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Tripura and West Bengal. The suggestion of the Fourth Plan that the landowner should not be allowed to regain possession of the surrendered land and that every surrender should be in favour of the Government has been accepted and acted upon in Kerala, Gujarat, Himachal Pradesh, Orissa, Karnataka and West Bengal.

66.3.37 The fourth major provision which has worked to the detriment of the potential beneficiaries of tenancy legislation is the law regarding resumption of land by landowners.

66.3.38 After the abolition of zamindaris, the landowners were not permitted to resume any tenanted land in Uttar Pradesh and West Bengal. But a limited right of resumption was permitted in all other States. The right of resumption was allowed to be exercised

within a limited period, in Madhya Pradesh, Maharashtra, Kerala, Gujarat, Karnataka and Orissa. In all these States the time limit has expired. Landowners were allowed to resume land upto the ceiling limit in Bihar, Haryana, Assam, Punjab and Orissa. In other States the maximum area that could be resumed was fixed below the ceiling limit. In many States the resumption law provided for leaving a certain minimum area with the tenant. Tenancy laws in Kerala, Gujarat, Himachal Pradesh, Maharashtra, Tamil Nadu and Karnataka provide for leaving half of the land with the tenant on resumption. Bihar provides for leaving half the leased out area or 5 acres (2.02 ha), whichever is less, in the case of landowners having land more than the ceiling area. In West Bengal, the land to be left with the tenant or sharecropper on resumption is one hectare or the actual area under cultivation, whichever is less. In Punjab, Haryana and Assam a minimum area is to be left with the tenant until an alternative piece of land is provided to him by the Government.

66.3.39 The right of resumption has been sought to be justified on the ground that it would help to convert non-working and rent receiving land owners into owner cultivators who could step up agricultural production. The accent in the concept of resumption is on 'personal cultivation'. However, the term 'personal cultivation' has been so defined as to cover cultivation through hired labour, paid in cash or kind but not in a crop share. Even personal supervision by the landowner or his family is not treated as an essential requisite of personal cultivation.

66.3.40 With this definition of 'personal cultivation', the right of resumption has become an instrument in the hands of unscrupulous landowners for land grabbing and unwarranted eviction of tenants. This provision has, in fact, indirectly created an atmosphere for the growth of informal, oral and concealed tenancies under which the actual tenant is characterised as a farm servant or an 'agricultural partner'. It has also encouraged absentee landlords to resort to rotation of tenancies from plot to plot. The highly defective state of land record facilitates the continued prevalence of such tenancies. Furthermore, in the absence of clearcut provisions for the demarcation of non-resumable areas on which the tenants could exercise their right of purchase, the big landowners can easily defeat the objectives of legislation by resorting to resumption in an indiscriminate and very often fraudulent manner.

66.3.41 The right of resumption is a continuing right in several States such as Andhra Pradesh (Andhra area), Assam and Tamil Nadu. In West Bengal, this right would automatically end with the

implementation of the ceiling law. In Karnataka (Mysore) a continuing right of resumption has been accorded to landowners holding less than 4 standard acres (1.61 ha) of land. No provision has been made for resumption for personal cultivation in Uttar Pradesh. In case of Haryana and Punjab, the right of resumption had to be exercised within a period of one year from the commencement of the President's Act by landowners in the Armed Forces of the Union and within a period of six months by other landowners. In Madhya Pradesh the right of resumption has expired and the tenants have been conferred ownership in respect of non-resumable areas. In Kerala, application for resumption in respect of tenancies existing on the commencement of the Kerala Land Reforms Act, 1963 (as amended upto 1973) were to be made within one year of such commencement.

66.3.42 Fifthly, tenancy legislation has not yet been able to regulate rents as recommended by the Five Year Plans, that is, at one-fifth to one-fourth of the gross produce. All States have passed laws fixing rent of cultivating tenants but fair rents have not been defined uniformly. In fact, in certain States they have been fixed at a higher level than what was recommended in the Plans. In Punjab and Haryana, for example, fair rent is fixed at one-third of the gross produce. In Tamil Nadu it is 40 per cent of the gross produce in irrigated areas and one-third in other areas. In Andhra Pradesh (Andhra area) the fair rent has been fixed at 30 per cent of gross produce for irrigated and 25 per cent for dry lands. In Jammu and Kashmir it has been fixed for tenants of landowners holding above 12½ acres (5.06 ha) of land at one-fourth of the gross produce for wet lands and one-third for dry lands. For tenants of landlords owning less than 12½ acres (5.06 ha) fair rent has been fixed at one-half of the gross produce. In other States fair rents have been generally fixed at one-fifth to one-fourth of the gross produce.

66.3.43 In view of the fact that the fixation of rent in term of gross produce is a cumbersome and protracted process, some States have fixed rents as multiples of land revenue. In Gujarat and Maharashtra it has been provided that fair rent is not to exceed one-sixth of the gross produce or 3 to 5 times the land revenue, whichever is less. In Rajasthan fair rent is not to exceed one-sixth of the gross produce or twice the rate of land revenue. In Madhya Pradesh fair rent has been fixed at 2 to 4 times the land revenue depending on the quality of land.

66.3.44 The point is that it is extremely difficult to get the provisions regarding fair rents enforced in the case of sharecroppers and

other tenants not enjoying any security of tenure. For any demand or litigation on the part of such tenants for the fixation of fair rents leads to their ejectment from land. The outstanding example in this respect is that of West Bengal where despite the fixation of the rent of sharecroppers (*bargadars*) at 25 per cent of the gross produce in kind, the prevailing share of the land owners is no where less than 50 per cent. In fact this rate prevails almost throughout the country in the case of sharecroppers and other categories of unprotected tenants.

66.3.45 One of the principal aims of tenancy reforms was to convert tenants into owners of lands they cultivated. But the rates of compensation to be paid by the tenants for acquiring ownership rights were generally very high and beyond the paying capacity of tenants. Therefore, the objective of conferring occupancy rights 'on as large a body of tenants as possible' could not materialise. Besides, the purchase of ownership was optional in certain States. In view of the financial weakness of the tenants and intimidation by landowners the results proved to be far from satisfactory.

66.3.46 One of the major weak spots of tenancy legislation has been the provision which entitles a tenant to acquire occupancy right provided he can prove continuous occupation of his holding for a number of years. This provision totally negates the spirit of the principle of 'land to the tiller' because under the peculiar character of landlord-tenant nexus obtaining in India it is virtually impossible for an ordinary tenant to prove continuous occupation for a number of years. In fact the landlord takes good care that the tenant is unable to do so by manipulating land records, by not issuing rent receipts and by rotating tenancies yearly from plot to plot. The burden of proof being on the tenant, the law thus becomes virtually ineffective. It is only the very influential tenants who are in a position to establish their rights on that basis of continuous occupation. In order to give protection to the mass of tenants it should have been provided that once a tenant puts forward his claim to occupancy right under the law, the burden of proof to the contrary should be on the landlord.

4 CEILING LEGISLATION

Review of the Problem

66.4.1 The idea of land redistribution through fixation of land ceilings, as an essential component of land reforms, has now gained

wide acceptance in our country. In fact, enlightened opinion to-day is inclined to consider any land reform programme grossly inadequate and defective if it does not provide for an upper limit on land holdings and for redistribution of surplus land among the land-hungry population. Such a measure is urgently called for in view of the acute overpressure on land, the meagre prospect of population transfer from agriculture to non-agriculture and the need for stepping up agricultural output along with increasing employment.

66.4.2 The imposition of ceiling on agricultural holdings is pre-eminently a redistributive measure. The idea basically is to ration land, a crucial asset, in such a way that, above a certain maximum, the surplus land is taken away from the present holders and is distributed to the landless or to the small holders in accordance with certain priorities.

66.4.3 The almost compelling case of land ceiling arises from the absolute and permanent shortage of land. It is true that during the last two decades, following the year 1950, over 20 per cent has got added to India's gross cropped area. Through extended irrigation and conversion of single-cropped into double-cropped land, it is possible to increase still more the gross cropped area leading to greater production. But once that is done and all irrigable land is irrigated, land will go into an almost absolute shortage. This will become permanent unless some new revolution in technology of land reclamation, irrigation, etc. takes place or unless, with industrialisation, a huge mass of agricultural population shifts to the industrial sector in the next two or three decades and land is consequently released from the present agricultural uses. But this is only a distant possibility. In the foreseeable future, we may take it that land is in absolute and permanent shortage and its demand far exceeds its supply. The compelling case for land ceiling, which is a mode of land rationing, is obviously derived from this fact.

66.4.4 The First Five Year Plan made a passing reference to the question of ceiling and stated "we are.....in favour of the principle that there should be an upper limit to the amount of land that an individual may hold"[1]. But the authors of the Plan were not hopeful that the measure would release much acreage for distribution to the landless. Because as they opined:

> "If it were the sole object of policy to reduce the holdings of the larger owners with a view to providing for the landless or for increasing the farms of those who have un-

[1]1953. The First Five Year Plan: 188, New Delhi, Planning Commission, Government of India.

economic fragments the facts at present available suggest that these aims are not likely to be achieved in any substantial measure."

66.4.5 The Panel on Land Reforms set up by the Planning Commission in 1955 did indeed go a step further and made a positive recommendation for the enactment of ceiling legislation for reducing inequalities in landownership and income, for satisfying land-hunger of the rural poor and for providing greater opportunities for self employment. It also tried to work out the idea of a Family holding of which the ceiling was to be a multiple. The report of this Panel, however, did not have much impact on the States where the idea of ceiling was, generally, rejected or ignored by various committees or panels appointed by State Governments for formulating land reform policies and measures.

66.4.6 The Second Five Year Plan, however, recorded a little advance on the earlier position and recommended ceiling legislation for giving to the rural poor "a sense of opportunity equal with other sections of the community". It even suggested that a reasonable ceiling should be fixed at three times a Family-holding. A Family-holding was deemed to be capable of yielding an annual income of Rs. 1200. Thus the ceiling suggested was to be fixed at an income level of Rs. 3600 a year. Whether the ceiling was to be fixed per individual or per family as a unit was left to the State Governments.

66.4.7 The Third Five Year Plan made no new and positive proposals but only reiterated the position of the Second Plan.

66.4.8 Thus for nearly 15 years after the attainment of freedom, ceiling on big landholdings remained both theoretically and practically, a nebulous item in the scheme of agrarian reforms. Even the general position taken in favour of ceiling by the Plans was based only on considerations of social justice or equity, but not on grounds of increasing production and developing agriculture. In the whole pattern of development under the Plans ceiling on agricultural property remained until about 1960 only a vague politico-economic concept lurking in the background.

66.4.9 Ceiling laws were enacted and enforced actually in two phases, the earlier phase covering the period from 1960 to 1972 before the National Guide Lines were laid down, and the latter since 1972 after the adoption of the Guide Lines.

66.4.10 As ceiling legislation was a State subject, each State enacted its own ceiling laws. The ceilings imposed during the first phase were as follows :

Andhra Pradesh—27—324 acres (10.93 ha to 131.12 ha), Assam—50 acres (20.23 ha), Bihar—24—72 acres (9.71 ha to 29.14 ha), Gujarat—10—132 acres (4.05 ha to 53.14 ha), Haryana—30 standard acres to 60 acres (12.14 ha to 24.28 ha), Himachal Pradesh—30 acres (12.14 ha) in the district Chamba and land assessed to Rs. 125 in other areas, Jammu & Kashmir—22.75 acres (9.21 ha), Kerala—15 acres (6.07 ha) of double crop paddy land or equivalent area which varies between 15 to 37.50 acres (6.07 ha to 15.18 ha), Madhya Pradesh—25 standard acres (10.12 ha), Orissa—20 acres—80 acres (8.09 ha to 32.37 ha), Punjab—30 standard acres to 60 acres (12.14 ha to 24.28 ha), Rajasthan—22—336 ordinary acres (8.90 ha to 135.97 ha), Uttar Pradesh—40—80 acres (16.19 ha to 32.37 ha), Tamil Nadu—30 standard acres—120 ordinary acres (12.14 ha to 48.56 ha), West Bengal—25 acres (10.12 ha).

66.4.11 There were two units of application, namely (a) the individual land holder and (b) the family. The States of Andhra Pradesh, Assam, Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Orissa, Punjab, Uttar Pradesh and West Bengal applied ceiling on individual as the unit. The States of Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Rajasthan and Tamil Nadu accepted family as the unit of application.

66.4.12 The classes of land, which were exempted from the operation of ceiling laws varied widely in the States. A comprehensive list of the exempted categories of land is given below:

(i) land covered by tea, coffee, rubber, cocoa and cardamom plantation;
(ii) land held by religious, charitable and educational institutions;
(iii) land held by cooperative farming societies and also other cooperative societies including land mortgage banks or any corresponding new bank as defined in Banking Companies Act;
(iv) land awarded for gallantry;
(v) land held by sugarcane factories;
(vi) land held by 'efficiently managed' farms the breaking up of which is likely to reduce agricultural production;
(vii) land covered by orchards subject to a certain maximum limit;
(viii) lands where heavy investment or permanent structural improvements have been made the breaking up of which is likely to reduce agricultural production;
(ix) land held by State or Central Government;

(x) land held by a public sector or industrial or commercial undertaking;

(xi) land vested in *gaon sabhas*, Bhoodan Yajna Committee or Gramdan Committee;

(xii) and situated in any area which has been specified as being reserved for non-agricultural or industrial development under the relevant tenancy law (Gujarat);

(xiii) specialised farms engaged in cattle breeding, dairying or wool raising;

(xiv) cooperative gardens, colonies;

(xv) *kali-krisham* areas, *araks*, *kaps* and such lands including those used for fuel, fodder as are unculturable (Jammu & Kashmir);

(xvi) lands mortgaged to Government or cooperative;

(xvii) home sites, *i.e.* lands occupied by dwelling houses, tanks, wells together with land necessary for convenient enjoyment of the same;

(xviii) private forests (Kerala);

(xix) land under management of court of wards (Kerala);

(xx) stud farms;

(xxi) lands leased by land development bank or cooperative bank;

(xxii) lands held by public trusts for *pinjrapole* or *gaoshala;*

(xxiii) hilly areas (Tamil Nadu & West Bengal);

(xxiv) lands interspersed among and contiguous to plantations (Tamil Nadu and Kerala);

(xxv) grove land and also land used for industrial development (Uttar Pradesh);

(xxvi) cremation ground, grave yard etc. (Uttar Pradesh);

(xxvii) land held by ruler of erstwhile merged states (Uttar Pradesh);

(xxviii) lands used for cultivation of *pan, keora, bela, chameli* or *gulab* when such person has no land for any other cultivation (Uttar Pradesh);

(xxix) tank fisheries (West Bengal);

(xxx) land held by a mill, factory or workshop as may be required for the purpose of expansion of such enterprises, such as setting up of schools, dispensaries and roads, but not for growing crop for use in the mill, factory or workshop;

(xxxi) sugarcane farms;

(xxxii) where a landowner gives an undertaking in writing to the Collector that he shall, within a period of two years from

the commencement of Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1966, plan an orchard in any area of his land not exceeding ten standard acres (4 ha), that area (Punjab and Haryana);

(xxxiii) land exclusively used on the 'appointed date' for grazing cattle of the landholder or on which trees have been raised for better cultivation of land;

(xxxiv) sites of buildings for warehouses;

(xxxv) commercial sites;

(xxxvi) land held by regimental farms;

(xxxvii) State Government may, by notification in the official Gazette, exempt any person, land or holding or class of persons, if it considers such exemption to the necessary in view of the integrated or specialised character of the operation, or whether the industrial and agricultural operations are undertaken as a composite enterprise or on other reasonable grounds (Rajasthan);

(xxxviii) lands converted on or before the July 1, 1959, into orchards or topes or arecanut gardens whether or not such lands is contiguous or scattered;

(xxxix) lands exceeding 75 bighas (10.12 ha) utilised for large scale cultivation of citrus in compact blocks before specified date (Assam);

(xl) lac brood farms operated by Indian Lac Committee (Bihar);

(xli) compact block of land held by a person whose principal source of income is from the land held by him in the compact block (Gujarat); and

(xlii) land assigned or donated by any person to the assignee before the commencement of the Act for the purpose of rendering any of the following services useful to the community, namely, maintenance of water works, lighting, filling of water troughs for cattle.

66.4.13 These legislative measures were full ot loopholes which were taken advantage of by the bigger landed interests to circumvent the laws. Besides, the implementation of these laws was extremely unsatisfactory. Ceilings were seriously evaded. In anticipation of ceilings, the big land holders resorted to partitioning of their holdings and fictitiously transferring them in pieces to other individuals through what is called '*benami*' transfers on a very large scale, with the result that the State Government could secure very little surplus land for distribution among the poor.

66.4.14 Of the major loopholes that existed in the ceiling legislations of the first phase the following were more serious:

(i) The ceiling limits were generally fixed so high that the concentration of land in the hands of big landholders and rich peasants remained in tact.

(ii) Generally speaking, the ceiling Acts provided enough scope for manipulations and fictitious transfers to circumvent the provisions of ceiling laws. It was only Gujarat and West Bengal which fixed the dates of retrospective effect. Assam, Kerala, Punjab, Tamil Nadu and Uttar Pradesh provided for treating only such transfers as void as were made after the introduction of the Bill or its publication. Bihar and Madhya Pradesh went a step further recognising transfers even after the laws came into force. The transfers as provided for in Mysore Act were to be prohibited only from a date to be notified in future.

(iii) Exemption from ceiling, a tabulated list of which has been furnished earlier, made the ceiling legislation largely ineffective. The number of exemptions given provided scope for evasions on a big scale through the device of changing the classification of land and thereby dissipating the surplus. It has been pointed out that Kerala had some 17 exemptions. Madhya Pradesh 14, Maharashtra 11, Punjab 13, Uttar Pradesh 20 and so on.

66.4.15 The loopholes which led to ceiling evasion in the sixties provide an object lesson for to-day. Most State Governments set the ceilings too high with a very wide range. For example, Andhra Pradesh had a range from 27 to 224 acres (10.93 ha to 90.65 ha), Rajasthan from 22 to 336 acres (8.90 ha to 135.97 ha), Gujarat from 10 to 132 acres (4.05 ha to 53.42 ha), Mysore from 27 to 216 acres (10.93 ha to 87.41 ha), Punjab and Haryana from 30 to 60 acres (12.14 ha to 24.28 ha), Maharashtra from 18 to 126 acres (7.28 ha to 50.99 ha), and so on. Obviously, with such high ceilings, even if implementation was perfect, not much surplus land would have accrued to the State for distribution. Secondly, and it is noteworthy, that these high ceiling limits were fixed on the basis of individual holder as a unit and not on a family basis. This meant that a family of 5, for example, could retain in Andhra Pradesh as much as $324 \times 5 = 1620$ acres ($131.12 \times 5 = 655.60$ ha) of land and in Maharashtra $126 \times 5 = 630$ acres ($50.99 \times 5 = 254.95$ ha) and in Punjab $60 \times 5 = 300$ acres ($24.28 \times 5 = 121.40$ ha).

66.4.16 It is now generally recognised that if redistribution of land was the main objective of the ceiling laws, this objective was not

realised at all. The ceiling legislation in all the States put together yielded a surplus of 1 Mha which for a country of India's size, where 141 Mha constitute the net area sown, is an insignificant surplus. Besides, a substantial part of the surplus was uncultivable. Even of this small area declared as surplus on paper, only a part has been so far distributed among the landless. A part of it still remains in the possession of the original owners or has been frittered away under various types of unauthorised occupation or litigation.

66.4.17 The ineffectiveness of the ceiling laws, the exigencies of agricultural production, agrarian unrest in the country, all these factors called for immediate review of the situation. The entire ceiling legislation was examined by the Central Land Reforms Committee, which made certain recommendations on the basis of which the Chief Ministers in their Conference held in July, 1972, laid down the 'National Guide Lines' that were to govern the ceiling legislation in future. The details of the recommendations of the 'National Guide Lines' have already been furnished in paragraph 65.2.67 of Chapter 65, Land Reforms Policy.

Salient features of ceiling legislation.

66.4.18 Consequent to the formulation of the 'National Guide Lines' the States amended or modified their ceiling laws. The main provisions of the Acts are furnished in Appendix 66.3 State-wise. The salient features of the amending Acts are noted below:

(i) Most of the States generally speaking followed a common pattern of legislation. Yet there are some variations in certain respects. The ceiling limit for lands with assured irrigation capable of yielding at least two crops annually varies from 4.05 ha to 7.28 ha as between different States.

(ii) The outer limit of ceiling for families having members in excess of five also shows some variations. The outer limit has been fixed at twice the ceiling area in Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Rajasthan and Tamil Nadu. In Orissa and Uttar Pradesh, it was less than twice the ceiling area. The outer limit at 1½ times was fixed in Bihar, Punjab and West Bengal. It was less than one and one-half times in Madhya Pradesh.

(iii) There is no proportionate decrease of the ceiling area in the case of families having family members below five ex-

cepting in the cases of sole surviving member of a family in which case a lower ceiling has been fixed.

(iv) The definition of the term "family" is also not uniformly codified.

(v) The major sons have been allowed a separate ceiling unit almost in all the States.

(vi) Religious, charitable and educational institutions including *wakfs* of public nature, have been generally exempted from the ceiling laws regardless of whether they genuinely require the entire land for the purpose or not. West Bengal is the only State which has already brought these institutions of public nature within the purview of ceiling laws allowing one unit to each institution.

(vii) The rates of compensation payable for surplus land acquired by the State also vary widely. In the case of compensation fixed in terms of the multiples of land revenue, it is 25 times in Assam, 95 times in Himachal Pradesh, 100 times in Andhra Pradesh, 195 times in Maharashtra and 200 times in Gujarat. Where compensation is determined as a fixed amount, it is Rs. 900 per acre (Rs. 2,224 per ha) in Bihar, Rs. 1,600 acre (Rs. 3,954 per ha) in Rajasthan and Rs. 2,000 per acre (Rs. 4,942 per ha) in Kerala and Punjab.

(viii) Lastly, the date of retrospective effect is not the same in all the States. While most of the States accepted January 24, 1971, as the retrospective date recommended in the 'National Guide Lines', Bihar fixed it as October 22, 1959, Kerala as July 1, 1969, Maharashtra, Orissa and Rajasthan as September 26, 1970, Jammu & Kashmir as September 1, 1971, and West Bengal as August 8, 1969. West Bengal had fixed May 5, 1953, under the earlier Act, *viz.*, the West Bengal Estates Acquisition Act, 1953 which also provided a ceiling limit.

Summing up of Ceiling Legislation

66.4.19 On an evaluation of the post 1972 ceiling legislation, it can be said that ceiling legislation has been improved, rationalised and put on a more or less uniform basis throughout the country. The National Guide Lines, on the basis of which this has been done, represents a national consensus on the question and marks a considerable advance on the situation that prevailed earlier. The main ques-

tion now is how to get the amending legislation effectively implemented. The tasks in this respect are:

(i) to detect 'benami' or clandestine transfers of property made to relatives, friends or other persons, real or imaginary, through ficticious or collusive transactions;

(ii) to secure correct records of land owners of more than ceiling;

(iii) to take possession of the land vested in the State after the completion of the administrative process; and

(iv) to distribute the surplus land among the beneficiaries as provided under the law.

66.4.20 The biggest constraint in this process is the date of retrospective effect. The reality is that transfers, partitions, sales, gifts etc. on a large scale were deliberately effected by the big land owners earlier than retrospective date provided in the National Guide Lines *i.e.* January 24, 1971, in anticipation of ceiling legislation. The issue boils down to the question whether any further amendment of the ceiling legislation is to be made in order to advance the date of retrospective effect.

5 IMPLEMENTATION

Review of the Problem

66.5.1 The vital importance and urgency of land reforms was powerfully emphasised by the Prime Minister, Shrimati Indira Gandhi in her inaugural address to the Chief Ministers Conference on land reforms in 1970. She said "land reform is the most crucial test which our political system must pass in order to survive".[1]

66.5.2 However, the implementation lag in the field of land reforms is still colossal and has become almost chronic. The Task Force Report of the Planning Commission (1973) had to admit that "in no sphere of public activity in our country since Independence has the hiatus between precept and practice, between policy pronouncement and its actual execution been as great as in the domain of land reform".[2]

66.5.3 Various Plan Reports and other documents, including several evaluation reports have enumerated what they considered to be

[1] 1970. Chief Ministers Conference on Land Reforms, Prime Minister's inaugural address.

[2] 1973. Report of the Task Force on Agrarian Relations 7, New Delhi, Planning Commission, Government of India.

the main causes of faulty or ineffective implementation. We shall take note of their views in this Chapter. However, before doing so it is necessary to bear in mind certain basic aspects of land reforms strategy as it has evolved in India.

66.5.4 Firstly, the duling circles in the country have depended primarily on legislation as the instrument of agrarian reforms to the serious neglect of implementation. Influenced by Western concepts of mechanism of social change, they have tended to believe that once legislation has been enacted, the required socio-economic results would follow automatically. In fact, legislation by itself as an instrument of social change has not only been over-emphasised but it has also not been properly related to the realities of Indian life. Joshi has elaborated this point in the following words:

> "this concept of legislation has been taken over from Western capitalist democracies where both the capitalists and the workers, landlords and the tenants, as well as the intermediate classes of family farmers are part of the organised sector. And the capacity for bargaining among the organised classes enables them to make use of legislation for their own advantage. The tendency to equate the unorganised inarticulate and unenlichtened rural masses of countries like India with the organised classes of the developed capitalist countries arises from the tendency to fit the Indian social reality into a ready made conceptual ctereotype borrowed from the Western context."[1]

66.5.5 A one sided emphasis on laws to be implemented exclusively by the administrative machinery without involving the mass of potential beneficiaries directly in the work of implementation, has deprived the Indian land reforms movement of the required effectiveness, drive and urgency.

66.5.6 Secondly, the "lack of political will" which the Task Force of the Planning Commission has pinpointed as the key factor behind ineffective implementation, arises from the power structure obtaining in the country under which both law makers and administrators are amenable to pressures of the vested interests of rural society. It has to be recognised that the "lack of political will" is not generated in a vacuum but comes about under conditions where anti-land reform or *status quo* elements are able to exercise considerable pulls and pressures on political parties as also on the organs of the State. Such elements see to it that the promise of reforms does not go beyond

[1]Joshi P. C. 1975. Land Reforms in India : 69. Institute of Economic Growth Delhi.

legislative enactments with certain inbuilt loopholes which permit large scale evasions, and that no basic changes in the structure of property rights in land are brought about. They are generally hand in glove with such administrators as are conspicuous by their hostility or apathy to the cause of land reforms rather than by any sympathy for it.

66.5.7 Thirdly, the enforcement of land reforms in India has been treated as the sole responsibility of certain administrative agencies, without a time bound programme and without any obligation on their part to associate peasants with the process of implementation. The official agencies selected for this purpose, drawn largely from land revenue administration, are neither by training and experience nor by mental orientation qualified for discharging this type of socio-economic responsibility. Except for one or two States, nowhere has any attempt been made to evolve and develop such official cadres as by training and experience and also by commitment to the cause, can undertake this work with zeal and efficiency.

66.5.8 Fourthly, the implementation of land reforms is in a large measure a function of the degree of consciousness and organisation of the potential beneficiaries. This factor has been weak in India. The great bulk of poor peasants and agricultural labourers are still unorganised and not powerfully vocal. Thus there has not been much pressure either from above or from below, for an all round speedy and effective implementation of land reforms. Specific issues have from time to time attracted the attention of the Government or have become the subject matter of mass agitation. But the process of land reform as a whole, which aims at bringing about institutional changes in rural society, has been allowed to stagnate. There has been a colossal drift on this issue causing in practice a great deal of perversion of even the beneficient aspects of agrarian legislation. The absence of links between the State and the potential beneficiaries through such organs as joint implementation committees has perpetuated the drift. Bureaucratic lack of will, complacency and inefficiency coupled with the non-existence of local popular organs, capable of effectively intervening in the situation, has brought about the present state of affairs.

66.5.9 Fifthly, the influential landowners made use of the existing laws and certain implementation procedures to get the land reform measures invalidated or stalled through judicial pronouncements and decrees. In the name of seeking legal protection, rural vested interests have resorted to litigation against the State on a big scale and on all possible issues. Articles 132, 226, 227 of the Constitution as also many provisions of the Civil and Criminal Law have been invoked in order to scuttle or delay implementation. Many substantive legal grounds and several procedural reasons have been made the basis

of such litigation. The legal contentions against land reforms have been based on the following grounds:

(i) the provisions in these laws were inconsistent with Articles 14, 19 and 31 of the Constitution;

(ii) that discrimination was contemplated under the laws between the major son and minor son on the one hand and major daughters and unmarried minor daughters on the other;

(iii) arbitrariness is alleged in the definition of the family;

(iv) specification of a date for declaring subsequent transfers of land as being ignorable for purposes of determining the size of holding has been claimed to be artificial, arbitrary and discriminatory;

(v) the basis for classification of land has been challenged in many States;

(vi) rates of compensation have also come under attack in courts;

(vii) it has been alleged in some writ petitions that the law concerned is a legislation on personal law of theory and cannot come under the scheme of agrarian reforms;

(viii) in some other cases, it has been argued that mortgaged land cannot be included in the permissible area, since it is not held by the land-owner; and

(ix) prohibition of transfer in anticipation of imposition of ceiling and prohibition of partition of land and restriction of suits for specific performance of contracts have also been challenged.

66.5.10 The three procedural grounds for challenging these laws were (a) the manner of computing standard acres; (b) the manner of submission of returns; and (c) the preparation and submission of draft statements showing land within the ceiling and surplus land.

Panel on Land Reforms, 1958

66.5.11 The major conclusions of the Panel on Land Reforms on the question of implementation were as follows:

(i) large gaps still exist in the laws which have contributed to ineffective implementation;

(ii) the provisions of the law in a number of States have become so complex that the peasantry finds it difficult to understand them. This causes the slowing down of the process of implementation;

(iii) there is no administrative machinery within the easy reach of tenants. The attitude of revenue officials is generally against the tenants. In case of conflicting evidence they tend to believe the landlord more than the tenant; and

(iv) large scale eviction of tenants has occurred during the past few years under the guise of 'voluntary surrenders'.

66.5.12 In pursuance of the work-relating to the Third Five Year Plan, the Planning Commission reconstituted a Panel on Land Reforms in 1960 for reviewing the progress made during the Second Five Year Plan in the field of Land Reforms and recommending measures for improving implementation. The Panel submitted its Report in 1961 in which it paid particular attention to the problem of land records. The Panel observed that "The main tools for the implementation of land reforms legislation are the record of rights and the revenue administration which is the main agency for the implementation of land reform programmes in the State"[1]. The Panel examined various aspects of the problem, preparation and maintenance of land records and recommended that for effective enforcement of land reform measures it is necessary that upto date record of rights should be immediately prepared in all areas. The Panel regretted that "By exclusion from the Plan, this work has hitherto suffered for want of funds and unless the scheme of cadastral survey and the preparation of record of rights form part of the State plans, the progress in the direction would continue to be slow." (p. 37). The Panel, therefore, recommended that a phased programme for survey and settlement should be coordinated with the strengthening of the revenue agency.

66.5.13 The Panel expressed itself against "the association of panchayats with the implementation of land reform and the suggestions regarding the setting up of committees representatives of different group interests or of panels of panchayats" (p. 44). The Panel was of the view that "The classes of interests are not fixed and there is a considerable mobility among them. Besides, unless the various interests were properly organised they could not have effective representation in the type of tripartite committees proposed by some members" (p. 44). It held furthermore that "basically the responsibility for the implementation of land reform programmes should rest with official agency. . . . the panchayats should, however, be associated progressively with the task of implementation as they acquire more experience" (p. 45).

[1]1961. Report of the Panel on Land Reforms, 33, New Delhi, Planning Commission, Government of India.

66.5.14 The Panel deprecated inordinate delays in enacting suitable legislation and lack of adequate and timely action which very often defeated the objectives of agrarian reforms. The Panel furthermore recommended that there should be a Land Commission or a Land Board in each State for reviewing the work of implementation and giving impetus to it. At the Centre it suggested that the land reforms Panel should evaluate the work of implementation from time to time and that the Land Reform Division of the Planning Commission should periodically prepare a critical review for consideration of the panel.

Third Five Year Plan

66.5.15 Basing itself largely on the assessment made by the above mentioned Panel of 1961, the Third Five Year Plan emphasised the following points:

(i) the enforcement of the rates of rent and other provisions regarding tenancy as laid down by legislation are still far from adequate;

(ii) the tenants because of their weak, social and economic position find it difficult to secure the protection of law;

(iii) the impact of tenancy legislation on the welfare of tenants has been in practice less than what was expected;

(iv) in view of the fact that most voluntary surrenders of tenancy are of a doubtful nature as *bona fide* transactions, they should not be recognised as valid unless such surrenders were duly registered by revenue authorities and in any case in the event of surrender of tenancy, the land owner should be entitled to take possession of land only to the extent of his right of resumption permitted by law;

(v) where land is resumed on grounds of personal cultivation it would be desirable to provide for personal labour as a necessary ingredient of personal cultivation in the absence of which the ejected tenant should have the right of restoration; and

(vi) except for owners holding land equivalent to a family holding or less, there should be no further right of resumption.

Implementation Committee of the National Development Council (1966)

66.5.16 The Implementation Committee of the National Development Council reviewed the progress in the field of land reforms and summarised its general assessment of the situation in the following words:

> "There were, however, short-comings in several directions. There were deficiencies in the law and there were delays both in enactment of laws and in their implementation. Substantial areas in some regions of the country were still cultivated through informal crop sharing arrangements; ejectments of tenants still go on through the device of surrenders; the fair rent provisions were not enforced effectively in several cases; ceiling had been defeated through the well-known device of transfers and partitions and not much land was made available for distribution to the landless and small farmers".[1]

66.5.17 In regard to the question of implementation the Committee observed that:

> "It seems that there is not sufficient awareness that early implementation of programmes of land reform is necessary to provide the institutional framework for the success of agricultural programmes. Delays in implementation are apt to create uncertainties and hamper execution of production programmes in the Fourth Five Year Plan. Besides, unless the reforms are speedily implemented, the benefits of the proposed large scale investment in the Fourth Plan on agriculture in the public sector will not accrue to the rural poor, the disparities will be further enhanced and the tensions in the rural area accentuated. It is important that the State Government should take early steps to fill the gaps in the law and devise adequate machinery to ensure that the programme move forward without further delay" (p. 17).

66.5.18 The Implementation Committee made the following suggestions for immediate attention:

(i) record of tenants, which are essential for effective imple-

[1] 1966. Implementation of Land Reforms : A Review by the Land Reform Implementation Committee of the National Development Council, p. 10, Planning Commission, New Delhi, Government of India.

mentation, should be completed and made uptodate in all States;

(ii) administrative arrangements for enforcement and supervision should be strengthened to quicken the pace of reforms;

(iii) comprehensive steps should be taken to ensure security of tenure to all tenants and sharecroppers who should be brought into direct relation with the State;

(iv) 'voluntary surrenders', most of which are in fact ejectments, should not be permitted except to government;

(v) there should be no further right of resumption;

(vi) rents in all States should be brought down to the level of one-fourth of the gross produce or less. Produce rents should be abolished and replaced by fixed cash rents;

(vii) steps should be taken to provide for conferring ownership rights on tenants, and implementation machinery should be strengthened for this purpose;

(viii) immediate steps should be taken to break landlord-tenant nexus by the State interposing between landlord and tenants to collect fair rents from tenants and pay them to landlords after deducting land revenue and the collection charges; and

(ix) steps should also be taken for dealing with the problem of fictitious transfers of land made by big landowners for circumventing ceiling laws.

Fourth Five Year Plan

66.5.19 The issues highlighted by the Implementation Committee of the National Development Council helped the planners to formulate their policy in the Fourth Plan in a more concrete form. The Fourth Plan, besides focussing attention on the general failures of implementation, emphasised the following points:

(i) many gaps still exist between the objectives and legislation and between laws and their implementation;

(ii) lands which should have vested in the State or settled with tenants have been retained by some intermediaries through evasion and obstruction. The State *suo moto* should scrutinise such cases and take effective action;

(iii) there has been considerable leasing out of land even in those areas where intermediary tenures did not obtain.

Insecurity of tenancy still prevails on a big scale. The existing tenancies should be declared non-resumable and permanent;

(iv) rents, which are arbitrary and which are beyond the paying capacity of the tenant, still prevail on a big scale;

(v) ceiling legislation even as it exists has not been pursued and implemented. There is still large gap in most of the States between surplus area which has been taken possession of by the State and the area actually distributed. This is due partly to administrative shortcomings and partly due to stay orders obtained from the law courts;

(vi) the ineffectiveness of implementation is due partly to the fact that the potential beneficiaries are not fully aware of their rights and partly due to insufficient acquaintance with the provisions of law on the part of subordinate officials; and

(vii) implementation can be made more effective if efforts are made to enlist the support and assistance of local public workers and secure the participation of the potential beneficiaries in implementation of the reforms.

Task Force Report

66.5.20 The Task Force on Agrarian Relations was constituted by the Planning Commission in February, 1972, for the purpose of making a critical assessment of the experience in land reforms, identifying the obstacles to efficient implementation, and for making proposals for more effective implementation of the agrarian reform programme. The Task Force was expected to help in the formulation of the Draft Fifth Plan policy regarding land reforms.

66.5.21 The findings and recommendations of the Task Force relating to implementation of land reforms are outlined below. The Task Force observed, that "the laws for the abolition of intermediary tenures have been implemented fairly efficiently, while in the fields of tenancy reforms and ceiling in holdings, legislation has fallen short of proclaimed policy and implementation of the enacted laws have been tardy and inefficient" (p. 6).

66.5.22 The Task Force attributed the poor performance of land reforms mainly to the "lack of political will". It said "with resolute and unambiguous political will all the other short comings and difficulties could have been overcome; in the absence of such

will even minor obstacles become formidable roadblocks in the path of Indian land reform. Considering the character of the political power structure it was only natural that the required political will was not forthcoming" (p. 7).

66.5.23 Emphasising the absence of adequate pressure from below, it observed "The beneficiaries of land reform, particularly the sharecroppers and agricultural labourers are weighed down by crippling social and economic disabilities. Except in a few scattered and localised pockets practically all over the country the poor peasants and agricultural workers are passive, unorganised and inarticulate" (p. 8).

66.5.24 Describing the inadequacy of the administrative machinery the Report said, "In all the States the responsibility for the implementation of measures of land reform rests with the revenue administration. Implementation of land reform is only one among its many functions. Traditionally high priority is given to maintenance of public order, collection of land revenue and other regulatory functions. Land reform does not, therefore, get the undivided attention it needs." The Task Force opined furthermore that "the attitude of bureaucracy towards the implementation of land reforms is generally lukeworm and often apathetic. This is, of course, inevitable because as in the case of men who wield political power, those in the higher echelons of the administration are also substantial landowners themselves or they have close links with big landowners" (p. 9).

66.5.25 The Task Force emphasised interference by law courts as a major hurdle in implementation of land reforms, since in every State prolonged litigation had obstructed and delayed the work of implementation. Explaining the socio-economic causes of the situation it observed, "In a society in which the entire weight of Civil and Criminal laws, judicial pronouncements and precedents, administrative tradition and practice is thrown on the side of existing social order based on inviolability of private property, an isolated law aiming at the restructuring of property relation in the rural areas has hardly any chance of success. And whatever little chance of success was there completely evaporated because of the loopholes in the laws and protracted litigation". (pp. 9-10).

66.5.26 The other points emphasised by the Task Force in connection with the poor performance of land reforms were:

(i) absence of correct and up-dated land records;

(ii) lack of financial support for land reform programmes;

(iii) weakness and irregularity of the reporting system and of

evaluation which make it difficult to get reliable and upto-date data on different aspects of land reforms; and

(iv) lack of proper coordination and guidance from the Centre for the formulation of uniform tenurial laws for the country as a whole and their effective and quicker implementation.

Draft Fifth Five Year Plan

66.5.27 While endorsing the findings of the Task Force and accepting their specific recommendations relating to implementation of land reform measures, the Draft Fifth Five Year Plan made the following observations and suggestions:

(i) the results of ceiling laws have been meagre due to the high ceiling level, large number of exemptions from the law, malafide transfers and partitions and poor implementation;

(ii) similarly, in the field of tenancy reform, legislation has fallen short of the desired objectives and implementation of the enacted laws has been inadequate; and

(iii) the Draft Fifth Five Year Plan observed a great deal more could be achieved in the field of implementation if there was dynamic, firm and unambiguous political direction and the work was entrusted to hand picked officers.

66.5.28 It furthermore proposed a strategy which would include a programme of institutional changes, strengthening of concrete operational programmes and implementation machinery, adequate allocation of funds for financing land reforms, peoples involvement in the work at the field level and finally education of both the officials and the beneficiaries about the provisions of various land reform laws.

Summing up of Implementation

66.5.29 The foregoing analysis brings out the fact that, with all the moderate stance of land reforms legislation in India, the performance by and large has been disappointing. In fact, the tragedy of land reforms in the country lies essentially in the manner and method of implementation. What is clearly noticeable is a widening gap between the declared objectives of land reform legislation and its actual achievements in terms of institutional and structural changes for mass welfare.

66.5.30 It is time to take a hard look at the prevailing situation. The question is, who has failed? Is it the legislator or the administrator? In a measure both have failed. However, the major responsibility lies on the shoulders of the enforcement agencies, that is to say, the administrative set-up entrusted with the task of implementation. The question then arises, when the same administrative machinery can do excellent work at the time of the general elections or for managing any emergency whether it is civil commotion or drought and flood relief, why does it fail to deliver the goods when it comes to implementing land reforms. The answer to this question lies in the fact that since land reforms involve certain basic structural changes in rural society affecting property rights in land, the officials cannot on their own function as a change agency in this field. In fact the official machinery has not been conditioned to act as such. On the contrary, it has been trained and conditioned to function as the question of *status quo* and the defender of existing property relations. It is, therefore, clear that without a powerful will of the State, explicitly defined and forcefully asserted from above, land reform programmes in the hands of the officials alone would continue to flounder on the rocks of conservatism and defence of *status quo* Land reforms implementation has to be a continuing process with ingredients ranging from the assertion of will of the State, to the interpretation and enforcement of law in the correct spirit and the carrying out of multifarious practical tasks at the field level for delivering the goods to the beneficiaries. In this situation the enlistment of popular cooperation, particularly in the form of participation of the potential beneficiaries in the practical process of implementation assumes even greater significance.

66.5.31 The recent assertion of a political will for land reforms is a development of crucial importance comparable to the post-Independence determination which resulted in the abolition of the *zamindari* system. The effectiveness of implementation would, however, depend on the extent to which this political will can be transmitted to the administrative machinery in term of concrete acts of enforcement of the multifarious provisions of land reform laws. It is important, under these circumstances, to formulate time-bound programmes, to strengthen the organisation and streamline the procedures for implementation, having in mind the need to overcome (a) the legal and administrative constraints, (b) the rigidity of existing administrative system, and (c) the opposition of vested interests.

66.5.32 We have analysed above the provisions of land reform legislation and evaluated its implementation. The impact of land

reforms on the emerging agrarian structure with their bearing on agricultural productivity, economic growth and social justice is discussed in the following chapter.

APPENDIX 66.1

(Paragraph 66.2.12)

Statewise Legislation

on

Abolition of Intermediaries

I. Uttar Pradesh

1. The Zamindari Abolition Committee in Uttar Pradesh appointed in 1946 presented its report in 1948. The Bill based on that report was referred to a Select Committee and was passed by the State Legislature in 1950 and signed by the President in 1951. It became effective only from July 1, 1952.

2. The Uttar Pradesh Zamindari Abolition and Land Reform Act as enacted in 1950, and modified subsequently by amending Acts in 1952, 1954, 1956 and 1958 lays down the following main provisions:

(i) All zamindari estates situated in Uttar Pradesh were transferred to and vested in the State free from all encumbrances. All rights, titles and interests of the intermediaries (all proprietors between the State and the tenant) passed to the State.

(ii) Holdings of zamindars classified as *sir* and *khudkasht* land, not leased out to any occupancy tenant, were recognised as their personal property and did not vest in the State. Such lands constituted about 2.43 million out of 13.35 Mha of agricultural land in Uttar Pradesh. All zamindars were vested with *Bhumidari* right in respect of their *sir* and *khudkasht* lands without any payment to the State. *Bhumidari* right meant the right of full proprietorship with the right to inherit, transfer, mortgage, etc.

(iii) Compensation was to be paid to "every intermediary whose rights titles or interest in any estate were acquired" under the provisions of this Act.

(iv) Compensation was determined on the basis of record of rights and payment was made at a uniform rate of eight times of the net assets. The net assets were to be calculated after deducting from the gross assets, any amount due to agricultural income tax, cost of management and irrecoverable arrears of rent equal to 15 per cent of the gross assets. The rent of the '*sir* and *khudkasht*' lands or groves was computed at the ex-proprietary rates, etc. The compensation payable under the Act was to be given in cash or in bond or partly in cash and partly in bonds.

(v) In addition to compensation payment of rehabilitation grant was to be made to an intermediary, other than a *thekedar*, whose land

Different units of measurements have been used in the Legislations of the States. Their metric equivalents are shown below :—

1 acre=0.40469 hectare, 1 hectare=2.17109 acres.

One bigha=.33 acre (0.1349 hectare)

1 maund=82.2857 pounds=37.3 kilograms.

revenue did not exceed Rs. 10,000/- a year, on a sliding scale.

(vi) The rehabilitation grant, which was provided for the ex-intermediaries, whose land revenue did not exceed Rs. 10,000/- was determined at a graduated rate as a multiple of the net assets on the scale shown below:—

Class of intermediaries according to land revenue	Multiple of assets
1. Upto Rs. 25	20
2. Exceeding Rs. 25 but not Rs. 50	17
3. Exceeding Rs. 50 but not Rs. 100	14
4. Exceeding Rs. 100 but not Rs. 250	11
5. Exceeding Rs. 250 but not Rs. 500	8
6. Exceeding Rs. 500 but not Rs. 2000	5
7. Exceeding Rs. 2000 but not Rs. 3500	3
8. Exceeding Rs. 3500 but not Rs. 5000	2
9. Exceeding Rs. 5000 but not Rs. 10000	1

The amount of rehabilitation grant was to be paid in cash if the total amount was Rs. 50 or less, where the amount exceeded Rs. 50, it was paid in bonds as in the case of compensation.

II. Bihar

1. The Bihar Land Reforms Act, 1950 was passed to provide for the transference to the State of the interests of proprietors and tenure holders in land and of the mortgagees, and lessees of such interests including interests in trees, forests, fisheries, *falkars,* ferries, *hats* and bazars, mines and minerals. It also provided for the constitution of "Land Commission" to advise the State Government consequent upon such transference and for other matters connected therewith. The provisions of the Act were not made applicable to all the intermediaries at a time, that is, with effect from September 25, 1950, the date when the Act came into force. The provisions were applied gradually following government notifications to that effect in the case of each estate.

2. The Act was amended in 1954 and again in 1959 to remove certain lacunae. By another amendment made in 1960 such lands as had been acquired under the Land Acquisition Act, 1894, for the purpose of any industrial undertaking except such portion thereof as were in possession of tenants were exempted from the operation of the Bihar Land Reforms Act. It was, however, subsequently decided that the enactment of 1960 be repealed and no such exemption was given to lands acquired for industrial undertakings. In pursuance to this decision another amending Act was passed *vide* Bihar Land Reforms (Amendment) Act, 1972, which came into force from September 26, 1972. Despite this amending Act, the major portion of the intermediary interests belonging to the Tata Iron and Steel Company Limited, Jamshedpur, could not be taken over because of a writ petition filed in the Supreme Court on behalf of the Company for declaring the Amending Act of 1972 ultravires of the Constitution.

3. The provisions of the Bihar Land Reforms Act of 1950, unlike those of West Bengal, applied only to tenanted interests, 'sairati mahals' etc. and not to agricultural holdings. So the agricultural lands were not touched at all till the passing of the Ceiling Laws.

4. Compensation for the acquisition of the interests of the intermediaries was provided for in graded slabs as multiples of net income as indicated below in brief:

If net income does not exceed Rs. 500	compensation is 20 times the net income.
If it exceeds Rs. 500 but not Rs. 1250	compensation is 19 times the net income.
If it exceeds Rs. 1250 but not Rs. 2000	compensation is 18 times the net income.
If it exceeds Rs. 2000 but not Rs. 2750	compensation is 17 times the net income
and so on.	The last slab is,
If it exceeds Rs. 1,00,000	compensation is 3 times the net income.

III. West Bengal

The West Bengal Estates Acquisition Act 1953 provides for the abolition of all intermediary tenures of all types and grades in West Bengal. The principal provisions of the Act was as follows:—

(i) The rights and interests of all the intermediaries vested in the State, free from encumbrances.

(ii) The *raiyats*, holding from the intermediaries, came in direct contact with the State.

(iii) The under *raiyats*, holding from the *raiyats*, were up graded and came in direct contact with the State.

(iv) The provisions of the Act were applicable only to agricultural holdings and not to non-agricultural holdings. As a result, some grades of tenure holders for the non-agricultural holdings survived.

(v) Compensation was to be paid, in graded slabs, for the acquisition of the intermediary rights. But unlike Uttar Pradesh, there was no provision for any rehabilitation grant. Compensation was to be paid on the net income of the intermediary in the following slabs:

1.	On the first . . .	Rs. 500	net income	20 times
2.	On the next . . .	„ 500	„	18 „
3.	On the next . . .	„ 1000	„	17 „
4.	On the next . . .	„ 2000	„	12 „
5.	On the next . . .	„ 10000	„	10 „
6.	On the next . . .	„ 15000	„	6 „

(vi) One of the major provision of this Act was the fixation of a ceiling on holdings at 25 acres on all landholders. The ceiling was imposed not on the entire property of the family but on the individual holder registered as a single entity.

(vii) There was no ceiling for religious or charitable institutions of public nature. Neither there was any ceiling prescribed for tank fisheries

(viii) The Act also provided that transfers made between May 5, 1953 and the date of vesting, April 15, 1955, with a view to defeating the provisions of the Act can be declared as void and can be set aside.

IV. Orissa

1. The Orissa Estate Abolition Act, 1951, related to the abolition of all Intermediary interests by whatever name known, including mortgagees and lessees of such lands.

2. It was provided by the Act that intermediary interests may be abolished either by notifying the estates specifically or by class or classes. Consequent upon abolition, the estates vested in government free from all encumbrances. The following consequences followed thereafter:—

(i) The agricultural and horticultural lands in *khas* possession of ex-intermediaries were settled with them without any payment.

(ii) Lands held by temporary lessees were settled with the intermediaries upto an extent of 33 acres in the maximum if the intermediaries were not already holding 33 acres of land.

(iii) Homesteads were also similarly settled. The buildings used for estates purpose were, however, excluded from the purview of settlement.

(iv) All personal service tenure holders were relieved of the bondage of service and the lands held by them were settled with them with occupancy right.

(v) Any person who before the date of vesting held any land as tenant under the ex-intermediary continued under the same terms and conditions.

3. The Act provided that transfers made by ex-intermediaries after January 1, 1946 with a view to defeating the provisions of the Act could be declared void and could be set aside.

4. By an amendment of the Act in 1963 the trust estates, declared as such by Tribunals under this Act, were excluded from the purview of vesting. This clause was, however, repealed in 1970.

5. Out of 423,154 intermediary estates 421,022 intermediary rights have already been abolished. These 2132 outstanding tenures do not, however, include 17502 trust estates, which were exempted from the purview of vesting. The Orissa Estate Abolition (Amendment) Act, 1972 has been enacted to extinguish those outstanding estates.

6. Compensation was payable, in lieu of such abolition of intermediary rights, in the prescribed manner indicated below:

If the net income does not exceed Rs. 500—15 times the net income.

On the next Rs. 3500 . . .	13 times the net income
On the next Rs. 3000 . . .	10 times the net income
On the next Rs. 3000 . . .	7 times the net income
On the next Rs. 15,000 . . .	5 times the net income
On the next Rs. 15,000 . . .	4 times the net income
On the balance	3 times the net income

V. Andhra Pradesh

1. Andhra Pradesh may be divided into two regions depending on the tenurial systems of each region relating to abolition of intermediaries. The regions are Hyderabad region or commonly called the Telengana region, and the Andhra and the Scheduled areas region.

2. Hyderabad was formerly a native State of the *Nizam* and the main land tenure system there was the *jagirdari* system. The *jagir* was a free grant from the State to the *jagirdar* who possessed the right to collect and appropriate land revenue but was not legally the owner of the land though with the lapse of time all *jagirdars* had become the virtual owners. The intermediary tenures in this area comprised the *jagirs* and *inams*.

3. The Andhra and the Scheduled areas region comprised the following types of intermediary tenures:

(i) *zamia*, under tenures and *inam* estates.
(ii) *inams* other than estates, *i.e.* minor *inams*.
(iii) malguzari tenures.
(iv) muttadari tenures.

A. Telengana Area

4. The first step in the direction of the abolition of the *jagirdari* system was taken with the promulgation of the Jagir Abolition Regulation on August 15, 1949. Besides this regulation the following Acts were also passed to extinguish all types of intermediary interests within the region:—

(i) the Hyderabad Abolition of Cash Grants Act, 1952,
(ii) the Andhra Pradesh (Telengana Area) Abolition of Inams Act, 1954,
(iii) the Andhra Pradesh Absorbed Enclaves (Hyderabad Jagirdars) (Commutation sum and allowances) Act, 1955, and
(iv) the Andhra Pradesh (Telengana Area) Jagir (Commutation) Regulation 25 of 1948.

5. All the 975 *jagirs* were abolished on promulgation of the above Acts and Regulations. As regards *inams*, excepting some service *inams* and *inams* held by religious and charitable institutions, legislations for their abolition was undertaken in 1954. A comprehensive Inams Abolition Act was enacted in 1957, which was, however, struck down by a Division Bench of the High Court on March 31, 1970. The appeal against that order in the Supreme Court was also dismissed. The old Act of 1954 is now being implemented.

6. In addition to the compensation, some of the bigger *jagirdars* had to be given cash grants of a hereditary nature. Besides, pensions were also to be granted to the retired officials of the *jagirdars*.

B. Andhra and Scheduled Areas

7. The following Acts were passed to extinguish all the types of intermediary tenures mentioned above:—

(i) The Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948.
(ii) The Andhra Pradesh (Andhra Area) Inam (Abolition and Conversion into Ryotwari) Act, 1956.

(iii) Regulations to abolish malguzari and muttadari tenures in the Scheduled areas.

8. Of 11,206 *zamia* under tenures and *inam* estates, 11,137 estates have already been taken over. As regards minor *inams, i.e., inams* other than estates, out of the total of 1.2 million minor *inams* 1.06 million minor *inams* have already been abolished. Action in respect of the abolition of some of the larger minor *inams* has been deferred pending certain amendments in the Andhra *Inams* (Abolition and conversion into Ryotwari) Act, 1956. Further, the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, Madras Act of 1948 were applied to the Madras area added to Andhra Pradesh by alteration of boundaries between Andhra Pradesh and Madras State.

9. The effect of the Madras Estates Act of 1948, besides abolition of intermediary rights, was the abolition of private property of the sources of irrigation, and to that extent, the extraordinary social powers of the landlords.

VI. Rajasthan

1. The State of Rajasthan was formerly composed of various princely States and therefore the tenurial system there was of a complex nature. The *jagirdari* system mainly prevailed there.

2. The Rajasthan Land Reform and Resumption of Jagir Act, 1952 was enacted in order to extinguish the rights of the *jagirdars.* But the actual abolition of the *jagirs* began only in 1954 after the Act was amended by the Rajasthan Act No. XII. The amended Act contains the following major provisions:—

(i) All rights and titles of the *jagirdars* shall vest in the State.

(ii) The *jagirdars* should get compensation as well as rehabilitation grant.

(iii) Exemption is granted to original *jagirs,* the income of which is used for religious services.

3. Besides, the abolition of other types of intermediaries was carried out under the provisions of (a) Ajmer Abolition of Intermediaries and Land Reforms Act, 1955, (b) The Rajasthan Zamindari and Biswedari Abolition Act, 1959. Intermediaries in the Abu area and Sunel Tappa area were abolished before reorganisation under the Bombay Merged Territories and Area (*Jagir* Abolition) Act, 1953, and Madhya Bharat Abolition of Jagirs Act 2008 BK respectively.

4. Resumption of *jagirs* was, in the initial stage, delayed on account of stay orders obtained from the Courts by some *jagirdars.* Subsequently, the jagirdars entered into negotiations with the State Government and the points at issue were referred to the Prime Minister for arbitration. The Act was then amended in the light of the Prime Minister's award. However, some of the landholders started an agitation and the matter was again referred to the Prime Minister who gave an award in January, 1959.

5. The resumption of *jagirs* was carried out in different dates according to the income groups to which the intermediaries belonged. Religious *jagirs* were resumed between 1959 and 1963. The zamindari and biswedari tenures were abolished in 1959.

6. The Rajasthan Land Reforms and Resumption of Jagris Act, the Ajmer Abolition of Intermediaries and Land Reforms Act and the Rajasthan Zamin-

dari and Biswedari Abolition Act made all lands of ex-intermediaries liable to payment of land revenue. All tenants of intermediaries, who were entered in the revenue records as having heritable and transferable rights, retained their rights and were called *khatedar* tenants. The '*khudkasht*' lands of the intermediaries were settled with them under *khatedar* rights. The laws also provided for allotment of land as *khudkasht* to former intermediaries in cases where the land already held by them as *khudkasht* was not considered adequate.

7. The principle of payment of compensation and rehabilitation grant was worked out on the following basis:—

(i) Compensation—7 times the net income of a *jagirdar.*

(ii) Rehabilitation grant in a graded slab as below:—

If the gross income of a *Jagirdar* does not exceed Rs. 250	. 11 times the net income
If it exceeds Rs. 250 but not Rs. 500	. 10 times the net income
If it exceeds Rs. 500 but not Rs. 1000	. 9 times the net income
If it exceeds Rs. 1000 but not Rs. 2000	. 8 times the net income
If it exceeds Rs. 2000 but not Rs. 3000	. 7 times the net income
If it exceeds Rs. 3000 but not Rs. 4000	. 6 times the net income
If it exceeds Rs. 4000 but not Rs. 5000	. 5 times the net income
If it exceeds Rs. 5000 but not Rs. 20,000	. 4 times the net income
If it exceeds Rs. 20,000 but not Rs. 30,000	. 3 times the net income
If it exceeds Rs. 30,000	. 2 times the net income.

8. A special statute, the Rajasthan Land Reforms (Acquisition of Land Owner's Estate) Act, 1963, was enacted to resume the estates of the ex-rulers also. However, the provisions in Chapters IV and VI of the said Act and its schedule were challenged and they were struck down by the High Court. An appeal against that order is still pending.

VII. Tamil Nadu

1. The Acts mentioned below were passed in Tamil Nadu to abolish all types of intermediary rights on payments of compensation to the ex-intermediaries:

(i) Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act XXVI of 1948: All *zamin,* under tenures and *inam* estates were abolished on payment of compensation to the landholder and *tasdic* allowance to the land holder institution, as the case may be.

(ii) Tamil Nadu Estates (Supplementary) Act, 1958: This Act was intended for giving a decision as to whether a particular area including an *inam* village is an estate or not, in case the parties seek for such a declaration.

(iii) Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963: The Act provided for the abolition of all *iruwaram inam* estates which did not fall within the scope of the Act XXVI of 1948. Payment of compensation to the landholder or institution holding the land was one of the main provisions

(iv) Tamil Nadu Lease Holds (Abolition and Conversion into Ryotwari) Act, 1963: Lease hold tenures in certain lease hold villages were abolished and the rights of such lessees were acquired by the Government.

(v) Tamil Nadu Minor *Inams* (Abolition and Conversion into Ryotwari) Act, 1963: All minor *inams* of the State were abolished on payment of compensation to the individual *inamdar* and tasdic allowance to the institutions.

(vi) Tamil Nadu Inams (Supplementary) Act, 1963: This Act was intended to give a decision by the Settlement Officer as to whether a particular non-*ryotwari* area is a whole *inam* estate, part *inam* estate or Padukottai *inam* estate or a T.D. Minor *inam* or not.

(vii) Tamil Nadu (Transferred Territory) Ryotwari Settlement Act, 1964: This Act was passed to introduce ryotwari settlement in the transferred territory of Shencottah Taluk of Tirunelveli district and Kanyakumari district excluding *inam* lands and lands belonging to the palace and Shri Padmanabhaswami Temple of Trivandrum.

(viii) Tamil Nadu (Transferred Territory) *Jenmikaram* payment Abolition Act: This Act abolished the right of the "*jenmies*" to collect certain amount called "*jenmikaram*" from the tenants in the transferred territory of Kanyakumari district and Shencottah Taluk of Tirunelveli district with effect from March 17, 1965.

(ix) Tamil Nadu (Transferred Territory) Thiruppuvarram Payment Abolition Act, 1964: This Act extinguished the right to collect certain amount known as "*thiruppuvaram*" in the transferred territory by certain individuals and religious, charitable or educational institutions known as "thiruppu holders".

(x) The Kanyakumari (Sreepandaravaka Lands) Abolition Act, 1964: The lands known as "Sree Pandaravaka lands" in Kanyakumari district, which were held by the institution Shri Padamanabhaswamy Temple of Trivandrum, were acquired under this Act with effect from March 1, 1965.

(xi) The Gudalur Jenman Estates (Abolition and Conversion into Ryotwari) Act, 1959: This Act was passed to abolish the rights of the intermediaries, known as "jenmies", in Nilgiri district.

(xii) The Kanyakumari Sreepadam Lands (Abolition and Conversion into Ryotwari) Act, 1972: This Act provides for the acquisition of rights of the landholders in Sreepadam lands in Kanyakumari district.

2. Though the laws to abolish the intermediaries known as "*jenmies*" in Nilgiri district and the landholders in Sreepadam lands in Kanyakumari district have been enacted, yet the provisions could not be implemented due to the fact that the Supreme Court has held as void certain provisions of Gudalur Jenman Estates Act, 1969. The implementation of the judgement and further course of action are being examined by the State Government.

3. Compensation has been provided for in a graded slab as below:

If the basic annual sum of an estate does not exceed Rs. 1,000	30 times the basic annual sum
If it exceeds Rs. 1000 but not Rs. 3,000	25 times the basic annual sum

If it exceeds Rs. 3,000 but not Rs. 20,000	20 times the basic annual sum
If it exceeds Rs. 20,000 but not Rs. 50,000	17½ times the basic annual sum
If it exceeds Rs. 50,000 but not Rs. 1,00,000	15 times the basic annual sum
If it exceeds Rs. 1,00,000	12½ times the basic annual sum

VIII. Maharashtra

1. Though Bombay Province was predominantly an area of *ryotwari* tenure, yet there existed various types of intermediary rights. A series of land tenure abolition laws have been enacted in Bombay since 1949 to do away with all *inams, jagirs* and other special tenures. The principal laws passed in Bombay Province to abolish various types of intermediary rights are enlisted below:

(i) The Bombay Bhagdari and Narwadari Tenure Abolition Act, 1949:

(ii) The Bombay Khoti Abolition Act, 1949: The purpose of this Act was to abolish the *khoti* tenure prevailing in the districts of Ratnagiri and Kolaba on payment of compensation. All the incidents of the said tenure were deemed to have been extinguished, notwithstanding any law, custom, or usage or anything contained in any sanad, grant, kabulyat, lease, decree or order of any court or any other instrument.

(iii) The Bombay Paragana and Kulkarni Watans (Abolition Act) 1950: This Act provides that with effect from an appointed day, all *paragana* and *kulkarni watans* shall be deemed to have been abolished notwithstanding anything contained in any law, usage, settlement, grant, sanad or order. Besides, all rights to hold office and any liability to render service appertaining to the said *watans* were also extinguished. The provisions of payment of compensation for abolition of such rights were also incorporated in the Act.

(iv) The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951: The holders of certain estates in the island of Salsettee in Maharashtra enjoyed exemption from the payment of land revenue. This Act provided for the payment of land revenue to the State Government in accordance with the provision of the Code. It further provided that if any estate holder or any other person is aggrieved by any of the provisions of the Act as extinguishing or modifying any of his rights in any property and if such estate holder or person proved that such extinguishment or modification amounts to transference to public ownership of such property, such estate holder or person could apply to the collector for compensation.

(v) The Bombay Personal Inams Abolition Act, 1952: Since it was considered in public interest to abolish personal *inams*, this Act provided that all personal *inams* shall be deemed to have been extinguished with effect from the appointed date and all rights

legally subsisting on the said date in respect of such personal *inams* shall be deemed to have been extinguished. The right of personal *inam* consisting of exemption from the payment of land revenue only, either wholly or in part, were also deemed to have been extinguished. All *inam* villages or *inam* land, were made liable to the payment of land revenue. Compensation for the extinguishment of such rights was also provided for.

(vi) The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953: Certain lands in the Kolaba, Kolhapur and Ratnagiri districts of the erstwhile State of Bombay were held on *Kauli* and *Katuban* tenures. It was considered expedient to abolish the said tenures, to extinguish the rights and incidents of the said tenures. This Act, therefore, provided that with effect from the date on which the Act comes into force, all *Kauli* and *Latuban* leases are cancelled, all terms and conditions of the said leases and all incidents thereunder shall be deemed to have been extinguished and any tax known as a tree tax leviable in respect of any *Kauli* or *Katuban* land was abolished. The landlords were made liable to the payment of land revenue to the State Government. The Act also provided for payment of compensation for abolition of such rights.

(vii) The Bombay Land Tenure Abolition (Recovery of Records) Act, 1953.

(viii) The Bombay Service Inams (useful to Community) Abolition Act, 1953.

(ix) The Bombay Bhil Naik Inams Abolition Act, 1955: Considering it expedient in the public interest to abolish the Bhil Naik *inams* held for service useful to Government on political considerations in the district of West Khandesh and Nasik, this Act was passed to provide abolition of Bhil Naik *inam* and resumption of *inam* villages and lands. The liability to render service was also extinguished. The Act also provided payment of compensation for abolition of such rights.

(x) The Bombay Shilotri Rights (Kolaba) Abolition Act, 1955.

(xi) The Bombay Shetgi Watans Rights (Ratnagiri) Abolition Act, 1956.

(xii) The Bombay Inferior Village Watans Abolition Act, 1958: As it was considered expedient in the public interest to abolish the hereditary village offices of lower degree, this Act principally provided as follows: (a) all inferior village *watans* shall be and are hereby abolished with effect from the appointed date notwithstanding anything in any usage, custom, settlement, grant, agreement, sanad or in any decree of court; (b) all incidents including the right to hold office and *watan* property are also extinguished; (c) a *watandar* shall, for the abolition of his right in the *watan*, be entitled to compensation equal to the aggregate of the amounts calculated in the prescribed manner.

(xiii) The Bombay Bandhijama, Udhad and Ugadia Tenures Abolition Act, 1959.

(xiv) The Kolhapur Abolition of Khoti System Act, 1945 (for Kolhapur State Area).

(xv) The Bombay Merged Territories (Janjira and Bhore) Khoti Tenure Abolition Act, 1953: This Act provides that with effect from the

appointed date the *khoti* tenure shall, wherever it prevails in the merged territories of Janjira and Bhore included in the district of Kolaba, be deemed to have been abolished and all sanads granted in respect of a *khoti* village in the merged territories of Janjira shall be deemed to have been cancelled, and all the incidents of the said tenure shall be deemed to have been extinguished. The Act also provided for payment of compensation for abolition of such rights.

(xvi) The Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953: The Bombay Government considered it expedient in the public interest to abolish *jagirs* of various kinds in the merged territories and merged areas within the State. The major provisions of this Act were that (a) all *jagirs* shall be deemed to have been abolished with effect from the appointed date, (b) the right of *jagirdar* to recover rent or assessment of land or to levy or recover any kind of tax, cess, fee etc. vested in a *jagirdar* shall be deemed to have been extinguished, (c) all public roads etc. situated in *jagir* village vest in the Government, (d) the rights to trees also vest in the State, (e) the rights of the *jagirdars* in mines are not effected by this Act, and (f) The *jagirdar* is entitled to compensation for extinguishment of his rights.

(xvii) The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955: In view of the fact that certain kinds of alienations prevailing in the merged territories and merged areas have been abolished, it was considered expedient in the public interest to abolish the remaining alienations of miscellaneous character prevailing in the merged territories. This Act provided that (a) all alienations shall be deemed to have been abolished with effect from the appointed date, (b) all rights legally subsisting on the said date in respect of such alienations and all other incidents of such alienations shall be deemed to have been abolished, (c) all public roads etc. situated in alienated land vest in the State, (d) the rights to trees vest in the Government, (e) the mining rights in alienated land however, will not be affected. (f) compensation is provided for abolition of such rights, and (g) these provisions, however, do not apply to: Devasthan *inams* or *inams* held by religious or charitable institutions, alienations other than *watan*, held for service which was useful to the ruling authority, any pension granted to an ex-servant of a former Indian State, revenue-free sites granted by the ruling authority for the construction of schools, colleges, hospitals etc.

2. Besides, the Hyderabad Acts and Regulations, which were in force in Hyderabad State at the time of the Reorganisation of States continued to be in force in Marathwada area transferred to Bombay State.

IX. Madhya Pradesh

1. A Bill for the abolition of intermediaries was introduced in October, 1949, and passed in April, 1950. The Act was called the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950. The Act was to eliminate the various categories of intermediaries, namely, the *zamindars*, *malguzars* and their under-tenures of Central Province, and *jagirdars*, *izaradars* and *palampatdars* in Berar. The Act provided for the acquisition, free from

all encumbrances, of all rights, title and interest of the proprietor in land (cultivable or barren), including forest, trees, fisheries, wells (other than private wells), tanks, ponds, water channels, ferries, pathways, village sites, *hats* and *bazars,* and all sub-soil including rights, if any, in mines and minerals whether being worked or not. The ex-proprietors were entitled to compensation and petty proprietors were allowed rehabilitation grants in addition to compensation. The scheme was fully implemented by August, 1952.

2. The United States of Gwalior, Indore and Malwa Zamindari Abolition Act introduced in the State Assembly in December, 1949, provided that from a notified date in respect of any area, all rights, title and interests of proprietors in such area, including land, forest, trees, fisheries, wells, tanks, ponds, water channels, ferries, pathways, village sites, *hats* and *bazars* and in all subsoils including rights in mines and minerals, whether being worked or not, shall cease and vest in the Government free from encumbrances. The Government shall pay compensation to every proprietor who is divested of his proprietary rights. The implementation of the Act commenced in December, 1951. The zamindari system of tenure has now been abolished in Madhya Bharat.

3. The *jagirdari* system was similarly abolished in the State of Madhya Bharat. The Abolition of *Jagirs* Act, which was passed in October, 1951, laid down that the *jagirdars* were to be paid due compensation in ten equal instalments but they were not entitled to any rehabilitation grant.

4. The Vindhya Pradesh Abolition of Jagirs and Land Reforms Act, 1952 included all types of *jagirdars, pawaidars, illakadars, zamindars or muafidars* and others to cover all types of intermediaries. The Act provides that:

(i) The right, title and interest of the intermediaries in respect of excise revenue, forest, trees, fisheries, well, tanks, ponds, water channels, ferries, pathways, village sites, *hats* and *bazars, mela* grounds, mines and minerals shall stand resumed to the State Government free from all encumbrances;

(ii) Rights, title and interests, if created by the *jagirdars* against the State, will cease;

(iii) The *jagirdars* shall be entitled to receive compensation to be paid in equal instalments not exceeding ten. This was enforced with effect from July, 1953.

5. Intermediary tenures have generally been abolished throughout the State. Compensation amounting to Rs. 14.53 crores has already been paid leaving a balance of Rs. 0.97 crores. The area vested under the system is not available.

X. Karnataka

1. The ryotwari system was predominant in most of the area comprised in the present State of Karnataka. The intermediaries like *watandars, inamdars, jagirdars* also existed in the State. These intermediaries were abolished by the following Acts.

(i) The Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954.

(ii) The Mysore (Religious and Charitable) Inams Abolition Act, 1955.

(iii) The Madras Estate (Abolition and Conversion into Ryotwari) Act, 1948.

(iv) The Hyderabad Abolition of Inams Act, 1955.
(v) The Bombay Personal Inams Abolition Act, 1952.
(vi) The Bombay Service Inams (useful to Community) Abolition Act, 1953.
(vii) The Bombay Merged Territories and Miscellaneous Alienation Abolition Act, 1955.
(viii) The Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953.
(ix) The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.
(x) The Mysore village offices Abolition Act, 1961.

2. There were some intermediaries in the districts of Bellary, South Kanara and Coorg who held land at concessional rates of land revenue. Legislation to establish them and also minor *inams* has also been passed and implementation is in progress. A Bill has also been passed to extinguish the religious and charitable *inams*.

3. Seven times the net income of each tenure was paid as compensation. 880 thousand ha of land vested in the State. The amount of compensation paid is not available.

XI. Assam

1. The following Acts were passed in Assam to abolish all intermediary rights:—

(i) The Assam State Acquisition of Zamindari Act, 1951.
(ii) The Assam Lushai Hills District (Acquisition of Chiefs Rights) Act, 1954.

2. The tenures in the temporarily settled areas are not strictly in the nature of intermediary tenures. There are only two types of tenants, i.e. the tenants and under-tenants who are governed by the Assam Temporarily Settled Districts Tenancy Act, 1953 as amended in 1971. As such the question of abolition of intermediaries in those areas did not crop up at all.

3. Intermediaries in permanently settled areas involving 0.67 million ha have been abolished. A sum of Rs. 2.60 lakhs has so far been paid as compensation leaving balance of Rs. 2.40 lakhs. Compensation was paid in terms of multiples of the net income in a graded slab shown below:

If the net income of an intermediary does not exceeds Rs. 1,000	15 times the net income
If it exceeds Rs. 1,000 but not Rs. 2,500	12 times the net income
If it exceeds Rs. 2,500 but not Rs. 5,000	11 times the net income
If it exceeds Rs. 5,000 but not Rs. 7,500	10 times the net income
If it exceeds Rs. 7,500 but not Rs. 10,000	9 times the net income
If it exceeds Rs. 10,000 but not Rs. 15,000	8 times the net income
If it exceeds Rs. 15,000 but not Rs. 30,000	7 times the net income
If it exceeds Rs. 30,000 but not Rs. 50,000	6 times the net income
If it exceeds Rs. 50,000 but not Rs. 1,00,000	5 times the net income
If it exceeds Rs. 1,00,000 but not Rs. 3,00,000	3 times the net income
above Rs. 3,00,000	2 times the net income

The amount of Rs. 2.90 crores have been paid so far as compensation leaving the balance of Rs. 4.10 crores.

XII. Kerala

1. The present State of Kerala is composed of three regions: (a) Malabar, (b) Travancore, and (c) Cochin. The first was a part of former Madras Province, the other two were former native states.

2. The Kerala Agrarian Relations Act, 1960, which was the first unified legislation in Kerala was struck down by a judgement of the Supreme Court in its application to most of the areas of the State. So a fresh legislation was introduced and passed as the Kerala Land Reforms Act, 1963, and partly put into force on April 1, 1964. The major provisions of this Act are as below:—

(i) Regulation of the rights and obligations of landlord and tenant by providing fixity of tenure and fair rent.

(ii) Right to cultivating tenants to purchase at their option on payment of compensation the right, title and interest of the landlords above them and thus become full proprietors.

3. Compulsory abolition of the rights of landlords in respect of their holdings, thus bringing the cultivating tenant into direct relationship with the State with provisions for payment of compensation to landlord and annuity to such of those landlords which are religious, charitable or educational institutions of public nature if such institutions so choose for annuity.

4. Regulating the rights and obligations of *'kudikidappukars'* by providing them with fixity of occupation.

5. Imposing ceiling on ownership and possession of land holdings. This Act was put into force on April 1, 1964, but the provisions relating to compulsory abolition of landlordism and ceiling were not put into effect. The major amendment made to the Act was by the Kerala Land Reforms (Amendment) Act, 1969. All the provisions of the Act, as amended, were put into force on January 1, 1970. This Act has further been amended by Act 25 of 1971 and Act 17 of 1972. All intermediary rights were abolished by the implementation of the Act. There were about 2.5 million tenanted holdings in the State and the rights of the intermediaries in all these holdings were extinguished.

6. Intermediary tenures in respect of the following categories of land which do not come within the purview of the Kerala Land Reforms Act also stand abolished under the provisions of the Act noted against each:—

(i) *Edavagai,* Estates with a total area of about 52.609 hectares under the *Edavagai* Rights Acquisition Act, 1956.

(ii) The *Pattazhi Devaswom* lands comprising an area of about 3,764 ha were abolished by the *Pattazhi Devaswom* Lands (Vesting and Enfranchisement) Act, 1961.

(iii) *Jenmis* in Travancore area covering about 63,130 ha were liquidated by the implementation of the *Jenmikaran* Payment (Abolition) Act, 1960.

(iv) *Kandukrishi* lands with an area of 7701 ha were enfranchised and were assigned to the holders of the land under the *kandukrishi* Land Assignment Rules, 1958.

(v) *Sreepadam* lands covering 6,060 ha were enfranchised by the *Sreepadam* Land Enfranchisement Act, 1969.

(vi) *Thiruppuvaram* lands comprising 10,850 ha were enfranchised under the *thiruppuvaram* payment (Abolition) Act, 1969.

(vii) *Sreepandaravagai* lands covering an area of about 5,110 ha were vested under the *Sreepandaravaka* lands (Vesting and Enfranchisement) Act, 1971.

7. Intermediary tenures in respect of the following classes of land remain to be abolished:—

(i) *jenmikaram* payable on *kanom* lands in the Cochin area,
(ii) *oodupally* lands, and
(iii) *viruthy* or service *Inam* lands.

It is expected that the legislations to abolish the above intermediaries will be passed very soon.

XIII. Gujarat

1. The Tenure Abolition Laws provide not only for the abolition of intermediaries but also for the upgrading of tenant cultivators to the status of occupants with or without payment of purchase price according to the nature of occupancy rights enjoyed by them. Wherever the Tenure Abolition Laws do not provide for conferment of occupancy rights on a holder, the holder has an opportunity of obtaining purchase right under the compulsory purchase provision of the Bombay Tenancy and Agricultural Lands Act, 1948. Thus no holder of land under any of the intermediary tenures is without an opportunity of securing occupancy rights.

2. The following Bombay Acts which were in force in Bombay State at the time of separation of Gujarat area on May 1, 1960, continued to be in force in the State of Gujarat.

(i) The Bombay Bhagdari and Narwadari Tenures Abolition Act, 1949.
(ii) The Bombay Maleki Tenures Abolition Act, 1949.
(iii) The Bombay Telukdari Tenure Abolition Act, 1949.
(iv) The Panchmahals Mehwassi Tenures Abolition Act, 1949.
(v) The Bombay paragana and Kulkarni Watans (Abolition) Act, 1950.
(vi) The Bombay Watwa Vazirdari Rights Abolition Act, 1960.
(vii) The Salsettee Estates (Land Revenue Exemption Abolition) Act, 1951.
(viii) The Bombay Personal Inams Abolition Act, 1952.
(ix) The Bombay Land Tenures Abolition (Recovery of Records) Act, 1953.
(x) The Bombay Service Inams (useful to community) Abolition Act, 1953.
(xi) The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953.
(xii) The Bombay Bhil Naik Inam Abolition Act, 1955.
(xiii) The Bombay Inferior Village Watans Abolition Act, 1958.
(xiv) The Bombay Bandhijama, Udhad and Ugadia Tenures Abolition Act, 1959.

3. The following Bombay Acts which were in force in the merged states in Bombay State continued to be in force in the merged states area transferred to Gujarat State.

(i) The Bombay Merged Territories (Abolition Tenure Abolition) Act, 1953.
(ii) The Bombay Merged Territories (Baroda Malgiras Tenures Abolition) Act, 1953.

(iii) The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953.
(iv) The Bombay Merged Territories Matadari Tenure Abolition Act, 1953.
(v) The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.
(vi) The Bombay Merged Territories Miscellaneous Alienation Abolition Act, 1955.

4. Besides the above, the following Acts and ordinances were legislated in Gujarat State for Saurashtra area.

(i) The Saurashtra Barkhali Abolition Act, 1951.
(ii) The Saurashtra Land Reforms Act, 1951.
(iii) The Saurashtra Estates Acquisition Act, 1952.
(iv) The Saurashtra Attachment of Grasadars' Land and Compensation (Temporary Exemption) Act, 1953.
(v) The Saurashtra Grants (Resumption) Ordinance, 1949.
(vi) The Bombay Ankadia Tenure (Saurashtra Area) Abolition Act, 1959.
(vii) The Bombay (Saurashtra area) Aghat Tenure and Ijaras Abolition Act, 1969.
(viii) The Bombay Inams (Kutch area) Abolition Act, 1953 was promulgated for the Kutch area.
(ix) Lastly the Gujarat Patel Watans Abolition Act, 1961. The Gujarat Surviving Alienation Abolition Act, 1953; and the Saghara and Mehwassi Estates (Proprietary Rights Abolition etc. Regulation, 1962, were also passed by the Gujarat State.

5. Gujarat State has enacted thirty laws to abolish all grades of intermediary tenures and they have been implemented. This of course left out the *Devasthan Inam* tenures. The Devasthan Inam Abolition Act, 1969, which came into effect from November 15, 1969, to abolish the said intermediary tenures, has however been partially injuncted from its implementation by an order of the Supreme Court. The Abolition of all grades and shades of intermediary rights will be completed after the stay order is vacated and provision implemented thereafter.

XIV. Punjab

1. The following legislative enactments were passed in the Punjab to extinguish the rights of the intermediaries and superior interests:

(i) The Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952.
(ii) The Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953.
(iii) The Punjab Abolition of Ala Malkiyat and Talukdari Act, 1952.
(iv) The Pepsu Abolition of Ala Malkiyat and Talukdari Rights Act, 1954.

2. The intermediary rent receiving rights have been extinguished and inferior land owners have been given full ownership rights. 6,47,740 occupancy tenants acquired proprietary rights over an area of 1.85 million acres. Compensation was paid to the landowners according to the principles laid down in the Acts.

XV. Haryana

1. All the laws enacted by the erstwhile Punjab and Pepsu States which were in force in the composite State of Punjab (including Haryana) continued to be in force in Haryana. The Government of Haryana had been empowered to make, before the expiry of two years from the date of formation of Haryana State, such adaptations and modifications in the laws as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent legislature or competent authority. No enactment has been passed by the Haryana legislature so far relating to the abolition of intermediary rights.

2. The following Acts were, therefore, applied in the State of Haryana for abolition of the intermediary and superior rights:—

(i) The Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953.

(ii) The Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953.

(iii) The Punjab Abolition of Ala Malkiyat and Talukdari Rights Act, 1952.

(iv) The Pepsu Abolition of Ala Malkiyat and Talukdari Rights Act, 1954.

3. All the intermediary rights in the State stood abolished except for the insignificant areas of 33 ha in Mohindergarh. Rs. 12.08 lakhs have so far been paid as compensation leaving an outstanding of Rs. 1.50 lakhs, 359 thousand ha of land vested in the State under the system of abolition of intermediaries.

XVI. Himachal Pradesh

1. The following laws were applied for the abolition of intermediary rights and are in force in Himachal Pradesh.

(i) Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953, applicable in old areas.

(ii) Punjab Security of Land Tenures Act, 1953, applicable in merged areas.

(iii) Pepsu Tenancy and Agricultural Lands Act, 1955, applicable in merged areas.

(iv) Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953, applicable in merged areas.

(v) Pepsu Occupancy Tenants (Vesting of Occupancy Rights) Act, 1954, applicable in merged areas.

(vi) Punjab Abolition of Ala Malkiyat and Talukdari Rights Act, 1952, applicable in merged areas.

(vii) Pepsu Abolition of Ala Malkiyat and Talukdari Rights Act, 1954, applicable in merged areas.

(viii) Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) Act, 1971—merged areas.

2. The Himachal Pradesh Abolition of Big Landed Estates Act, 1953 provides for abolition of intermediaries and conferment of proprietary rights on the tenants. The Act also aimed at abolition of big landed estates under

Section 27 of the Act. The rights, titles and interests of a landowner owning land of more than Rs. 125/- as land revenue per annum vests in the State Government. The proprietary rights of such land is conferred on tenants after vesting. The rights of superior proprietors were abolished under the Punjab Abolition of Ala Malkiyat and Talukdari Rights Act, 1954 and full proprietary rights were conferred on the inferior proprietors.

3. There is no scheme to declare vested lands under the Himachal Pradesh Act. The provisions of the laws in the merged areas are also made on similar basis. There is scope of vesting under the Pepsu Tenancy and Agricultural Lands Act, 1955. The rates of compensation were prescribed as under:—

In respect of land other than the banjar land—

(i) first 25 standard acres—12 times the fair rent.

(ii) next 25 standard acres—9 times the fair rent.

(iii) remaining land: 90 times the land revenue (including rates and cesses) or Rs. 200/- per acre whichever is less.

4. With the application of the above Acts, *zamindari* tenures and all superior proprietorship have been abolished and full proprietary rights conferred on the inferior proprietors. An amount of Rs. 34.13 lakhs has been paid so far and 23.3 thousand ha of land vested under the system.

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APPENDIX 66.2

(Paragraph 66.3.11)

Statewise Legislation* on Tenancy Reforms

I. Andhra Pradesh

Andhra Pradesh has three distinct regions from the point of view of tenancy reforms measures: (A) The Telengana Region which was formerly a part of Hyderabad State, (B) Scheduled Area comprising the district of East Godavari, West Godavari, Vishakhapatnam and Srikakulam, and (C) Andhra region consisting of the remaining districts of Andhra Pradesh.

A. Telengana Region

1. The Andhra Pradesh (Telengana Area) Tenancy and Agricultural Land Act, 1950, as amended in 1954 is in force in Telengana region. The main provisions of this Act are as follows:

(i) Rent should be fixed at one-fourth of the gross produce for irrigated lands and one-fifth in other cases or 3 to 5 times the land revenue, whichever is less.

(ii) Certain tenants, who possessed land for six years on specified dates, and tenants holding from substantial owners were given the status of protected tenants and fixity of tenure was conferred on them, subject of course to landlord's right to resume land on specified conditions.

(iii) The landlord's right of resumption has since expired and land held by the protected tenants thus becomes non-resumable.

(iv) Ordinary tenants, who were not included in the category of protected tenants, and who did not have a minimum term of lease of six years were not given any security of tenure.

(v) The cases of voluntary surrenders were to be verified by the *mamlatdars*.

(vi) The protected tenants were given the optional right of purchase of non-resumable lands. The right was subject to the condition that the landowner was left with two family holdings, that is 8 to 120 acres depending on the classes of land and the tenant was entitled to purchase ownership to the extent of 4 to 60 acres.

(vii) The transfer of ownership to the protected tenants in lands in which such tenants had the optional right to purchase was *suo-moto*.

2. According to the reports of Andhra Pradesh Government after the promulgation of the above laws about 82,000 ha of land were held by 33,000 protected tenants in Telengana area. The protected tenants in Khammam district and in Mulung taluka of Warangal district were conferred with ownership right in 1955 as an experimental measure. 12,748 protected tenants became owners as a result of the experiment. This measure was not extended

to other districts till 1968 because a unified tenancy bill for the integration of tenancy laws of both the regions was proposed to be enacted. This proposal was finally dropped in view of the fact that conditions in the two regions of the State relating to land problems and tenancy rights varied widely. Consequently the provision for transfer of ownership to the protected tenants was extended to other districts of Telengana area with effect from August 16, 1968. But a Division Bench of the High Court of Andhra Pradesh struck down the relevant section for being vague and unworkable in practice. The relevant section 38E was subsequently revalidated through an amendment after rectifying the defects pointed out by the High Court.

3. The following draw-backs in the tenancy legislation of Telengana area are noteworthy:

(i) Ordinary tenants who constitute the bulk of tenants, do not enjoy the rights given to the protected tenants. Therefore, they are not eligible to purchase ownership rights.

(ii) Protected tenant's right to ownership is however limited in scope by the fact that the bulk of the leased area is mostly comprised within two family holdings to be left with the owner.

(iii) The surrenders are not properly regulated.

(iv) Safeguards to protect alienation of land of the Scheduled Tribes have not been provided for.

(v) The right of simple mortgage by the protected tenants in favour of either the cooperative or the nationalised banks, which is essential for them to arrange for inputs and step up production, is wanting.

B. Andhra Region

4. The Andhra Tenancy Act, 1956 is in force in the Andhra area of the State. The provisions of the said Act were supposed to be an interim arrangement and provided for the fixation of rent, a minimum period for leases, and continuous right of resumption to the landlord. Recently the State Legislature passed a Bill named the Andhra Pradesh (Andhra Area) Tenancy (Amendment) Bill, 1970, which provides as follows:

(i) Rent is reduced from the range of 28.33 to 50 per cent to the range of 25 to 30 per cent.

(ii) Existing leases are to continue for six years subject to renewal for a further term of six years.

(iii) The landowners have been given the continuous right of resumption upto three family holdings leaving a minimum area with the tenant. A recent amendment, however, limited the right of resumption to so much area as would be equal to two-thirds of the ceiling area.

(iv) The amendment mentioned above has also conferred the right of pre-emption on the tenants.

(v) Security to tenants is sought to be guaranteed by restricting grounds for eviction.

(vi) The small land holders, owning less than half of the family holding (3 to 38 acres) may resume land either for personal cultivation or for sale and the land owner is free to fix any price for sale of such land.

(vii) The term 'personal cultivation' has been defined rather widely including cultivation even by the relatives of the landowner.

5. The following loopholes therefore persist:

(i) The right of continuous resumption, without any time limit, seriously affects security of tenure.

(ii) The range of rent is still on the high side exceeding the plan recommendations.

(iii) There is no restriction on the sale price of land sold by the small owners.

(iv) Surrenders are not regulated properly.

C. Scheduled Areas

6. Alienation of land in this area is regulated by Andhra Pradesh Scheduled Areas (Land transfer) Regulation, 1958, which provides that any transfer of immovable property by a member of the scheduled tribes made in favour of a non-tribal would be null and void unless it is made with the previous consent in writing of the Collector or any other prescribed officer. The law was amended in 1971 to impose further restrictions on transfer of land in scheduled areas to non-tribals. Provision has also been made to enable a member of the scheduled tribe to obtain institutional credit for agricultural development by way of simple mortgage.

II. Assam

1. There were three main enactments in the State of Assam for the regulation of tenancies namely (a) the Goalpara Tenancy Act, 1929 applicable to the former permanently settled areas of Goalpara district, (b) the Syllet Tenancy Act, 1939 applicable to the former permanently settled areas of Karimganj sub-division of Cachar district, and (c) the Assam (Temporarily settled Areas) Tenancy Act, 1971, applicable throughout the temporarily settled areas of Assam.

2. The Goalpara Tenancy Act, 1929 laid down the following major measures:

(i) The under ryot acquired a limited right of occupancy after a continuous possession of twelve years with the rights of inheritance and transfer all subject to the consent of the landowner.

(ii) Non-occupancy under-ryot holding land on written lease is liable to ejection on expiry of the term.

(iii) In other cases not falling under the above two categories, the under-ryot after giving 12 months time could be ejected at any time provided that he was left with a minimum area of 3-1/2 acres or until an alternative area equivalent in value is allotted to him by the State Government.

(iv) The rent was not to exceed 100 per cent of the rent payable by the ryot.

3. The Assam (Temporarily Settled Areas) Tenancy Act, 1939, as amended in 1971 laid down the following provisions:

(i) There are two types of tenants—the tenants and under-tenants.

(ii) The non-occupancy tenants holding land continuously for not less than three years shall acquire the right of occupancy.

(iii) Both occupancy and non-occupancy tenants shall have no right to sublet. The rights of the lessor will be acquired by the lessee in case of any contravention

(iv) Under-ryots and *adhiars* shall be liable to ejectment on grounds of personal cultivation. But the suit for ejectment shall not be entertained before the expiry of 12 months or after the expiry of 15 months from the creation of the tenancy and also on the condition that the tenant is left with area of 3-1/3 acres.

(v) The right of resumption was, therefore, continuous and was not restricted by a time limit.

(vi) The maximum rent payable by an occupancy or non-occupancy tenant shall not exceed three times the revenue in case of cash rent and 1/5th the produce of one principal crop in case of kind rent.

(vii) In case of kind rent, the seed grains, if advanced by the landowner, shall have priority in repayment over the rent.

(viii) An occupancy tenant and an under-tenant (*i.e.* occupancy and non-occupancy under *ryots* and *adhiars*) shall have an optional right to purchase the right of their landlords on payment of 15 times the land revenue in respect of the land under their personal cultivation. Besides, on issue of Government notification, the rights of the landlord shall vest in the occupancy tenants and under-tenants personally cultivated by them.

(ix) Voluntary surrenders by tenants were prohibited except with the prior permission of the Deputy Commissioner.

4. The Adhiar Protection and Regulation Act, 1948, laid down the following provisions:

(i) The *adhiars* (sharecroppers) are not under-ryots and they are governed by this Act.

(ii) The share of the produce payable by them to the landlords must not exceed 1/4th of the produce where the landlord provides plough and cattle and 1/5th of the produce in other cases.

5. The Government has subsequently decided to extend application of the Assam (Temporarily Settled Areas) Tenancy Act, 1971, to the whole of the State by repealing both the Goalpara Tenancy Act, 1929, and the Sylhet Tenancy Act, 1936.

6. The following major loopholes exist in the tenancy legislation of Assam:

(i) Neither the under-ryots nor the sharecroppers enjoy any security of tenure. They are to vacate the land in their possession when the landlord wants it back.

(ii) Regulation of rent in the case of *adhiars* is ineffective as the conciliation boards to supervise the conditions of the *adhiars*, are too unmanageable due to vastness of area. Besides, the *adhiars* are also not properly represented on the board.

(iii) The provision regarding resumption of land from the *adhiars* under the Adhiars Protection Act, 1948, and the Ceiling Act are conflicting. There was a time limit for resumption under the Ceiling Act which has already expired. But resumption is a continuing right under the Adhiars Protection Act, 1948.

(iv) The bulk of the under-ryots still do not enjoy permanent heritable and transferable occupancy rights.

(v) The rents fixed for sub-tenants being twice the rent paid by the tenant are very high.

III. Bihar

1. Bihar has been divided into three distinct regions so far as tenancy legislation is concerned, *viz.*, (a) eleven districts of the State governed by the Bihar Tenancy Act, 1885; (b) five districts of Chota Nagpur governed by the Chota Nagpur Tenancy Act, 1908; and (c) Santhal Parganas district governed by the special laws applicable to Santhal Parganas.

2. The provisions regarding tenancy arrangements incorporated in the Bihar Land Reforms Act, 1961, are applicable to the entire State. The Bihar Tenancy Act, 1885 laid down the following major provisions:

(i) Under-ryots could acquire right of occupancy on twelve years of continuous possession provided such under-ryots held land from ryots owing more than 5 acres of irrigated or 10 acres of other lands.

(ii) A non-occupancy under-ryot or a *bataidar* was liable to ejectment on expiry of the written lease. Strictly speaking, there was no specific provision for the protection of an under-ryot who held land on an oral lease (and most of the leases were oral). In practice, however, these provisions proved to be ineffective in preventing ejectments.

(iii) The rate of maximum rent was not to exceed 150 per cent of the rent paid by the ryot himself in cases where there was a registered lease or agreement where the under-ryot paid cash rent, and

(iv) in any other case it was 125 per cent. where the under-ryot paid in kind—the rent was not to exceed 7/20 of the produce, the straw and bhoosa to go entirely to the under-ryot.

3. By an amendment of the Bihar Tenancy Act, 1908, a right of simple mortgage for obtaining institutional credit for agricultural development was extended to the under-ryots including *bataidars* belonging to the scheduled tribes, scheduled castes and backward classes in areas outside Chota Nagpur and Santhal Parganas.

4. By another amendment in 1933 the power of eviction was limited and also the claim for realisation of arrears of rent was subjected to a limitation of a period of 5 years. The system of granting rent receipts by the landowner to his tenant was also provided for.

5. The tenants were also granted the right to dig wells, erect houses on their holdings. It was provided that for recovery of arrears of rent the relevant land may be put to auction, but not the entire property of the tenant concerned.

6. By the amendment in 1937-38 *bhaoli* rent could be commuted into cash rent. This amendment also provided that a ryot having a permanent house in a village will acquire occupancy right over the *bakasht* land held by him if he could prove one year's continuous possession of that land.

7. By another amendment in 1956 the share of the produce payable by a sharecropper to his landowner was reduced from 50 per cent of the gross

produce to 18 seers (16.80 kg.) per maund to the landlord and 22 seers (20.53 kg.) to the sharecropper.

8. By further amendment in 1967 the tenant was entitled to apply to a court if he was threatened with eviction, and the court could issue injunction on the landlord preventing him from evicting his tenant. It also provided for the setting up of Batai Disputes Settlement 'Boards' consisting of one representative each of the landlord, the tenant and the Government.

9. The Chota Nagpur Tenancy Act, 1908 laid down that:

(i) A lease by a ryot was valid only if it was for a period not exceeding 5 years.

(ii) An occupancy ryot, who was a member of the scheduled caste or backward classes could, with the previous sanction of the Deputy Commissioner, lease his land to another person who was a member of the scheduled caste, or as the case may be, of backward classes and also who was a resident within the district in which the holding was situated.

(iii) There was no provision for any security of tenure or for fixing of fair rents for the sub-lessees.

(iv) There was a provision for recording of sharecroppers or *bataidars* and for their being given the status of a ryot after having been recorded as such.

(v) That Act was subsequently strengthened by the enactment of the President's Act, 1969, which provides (a) prevention of further alienation of lands belonging to the members of scheduled tribes to the non-tribals; (b) restricting possession where transfer has been effected through fraudulent and collusive means to the detriment of the interest of the tribal; and that (c) members of scheduled tribes are entitled to transfer land in genuine cases, particularly to enable them to obtain institutional credit for agricultural development programme.

10. Santhal Parganas.

Special provisions as outlined below held good in the areas:

(i) Sub-leasing was not permitted, and if in spite of that a lease was made, the tenant was liable to ejectment.

(ii) The provisions as laid down in the Chota Nagpur Tenancy Act, 1908, by the President's Act, 1969. were also made applicable to the Santhal Parganas.

11. The Bihar Bakshi Disputes Settlements Act, 1947 provided for the setting up of Arbitration Boards, consisting of a chairman appointed by the Government, and two representatives, one representing the landlords and the other the peasants. The boards thus set up were authorised to decide questions relating to possession over *bakasht* land and the Board's decision was final.

12. The Bihar Privileged Persons Homestead Tenancy Act, 1947, conferred on the agricultural workers and poor peasants with holdings below one acre, permanent occupancy rights over their homestead lands on payment of fair and equitable rent. The Bihar Tenancy Act conferred such rights only on the ryots, whereas this Act extended the right to the lowest strata of the peasantry who were not ryots according to the Bihar Tenancy Act.

13. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of

Surplus Land) Act, 1961 provided the following measures which are applicable to the entire State:

(i) If a ryot holding more than the ceiling area has leased out his land to a non-occupancy under-ryot, he could resume only so much area as would leave with the under-ryot at least 5 acres. If the total holding of the ryot was 10 acres or less, the resumable area could not exceed half of that holding, the rest being left with the under-ryot.

(ii) In those cases where the under-ryots are holding from a ryot having land not exceeding the ceiling, such under-ryots were not given the right to purchase ownership.

14. In the implementation of Bihar Privileged Persons Homestead Tenancy Act some progress was made. 1,85,123 cases were instituted under that Act for settlement of land to the privileged persons during the land reform year against which 1,83,353 cases were disposed of. The number of persons who got the right of purchase comes to 1,72,396. Similarly, under the scheme of restoration of land to scheduled tribes, 9,819 cases were instituted under the 1969 Regulation out of which 5,943 cases were disposed till March, 1974.

IV. Gujarat

1. The Bombay Tenancy and Agricultural Lands Act, 1948, as amended from time to time upto 1974, is applicable to the State of Gujarat. The major provisions of the Act are stated below:

(i) "Tenant" means a person lawfully cultivating any land belonging to another person if such land is not cultivated personally by the owner and if such person is not a member of the owner's family or a servant on wages or a hired labourer working on the land of the owner. The term tenant includes (a) a permanent tenant who holds land permanently or the duration of whose tenancy cannot satisfactorily be proved by reason of antiquity, and (b) a protected tenant who had held land continuously for a period of six years immediately preceding either January 1, 1938 or January 1, 1945.

(ii) Rent shall be payable annually, and in cash. The rent shall not exceed five times the assessment payable in respect of the land or twenty rupees per acre, whichever is less, and shall not be less than twice the assessment. Rate of rent payable by a tenant to his landlord is to be fixed by the *mamlatdar*. The *mamlatdar* shall have regard to the rents prevalent in the locality, the productivity of the land, the prices of commodities and such other factors as may be prescribed. The rate of rent so fixed shall continue for a period of five years and shall be liable to be revised by the *mamlatdar* thereafter at the end of each successive period of five years.

(iii) Landlord is not liable to contribute towards cost of cultivation and can terminate a tenancy for personal cultivation or for putting the land to any non-agricultural purpose. There is no time limit for such termination.

(iv) The tenancies may be terminated (a) if the landlord has no other land of his own or has not been cultivating any other land personally; (b) if he is cultivating less than the ceiling area, the area that will make up the ceiling areas; (c) if the income, from the cultivation of the land he is entitled to take possession, is the principal source of income for his maintenance; (d) if the tenancies be more than one, the tenancies of shorter duration may be terminated. But (e) the landlord is not entitled to terminate for personal cultivation any tenancy of land left with the tenant after resumption under section 31 or before the commencement of the amending Act of 1955.

(v) Tenants are deemed to have purchased land on the "tillers day" *i.e.* April 1, 1957, if (a) such tenant is a permanent tenant thereof and cultivates land personally, (b) such tenant is not a permanent tenant but cultivates the land leased in personally, (c) the landlord has not given notice of termination of his tenancy under section 31, or (d) though notice was given, the landlord did not apply to *mamlatdar* before March 31, 1957, or (e) in spite of termination landlord has not taken possession of or applied for the same before March 31, 1957.

(vi) The purchase price for acquiring ownership by the tenant and its maxima were outlined as (a) in case of a permanent tenant—an amount equal to six times the rent of the land plus the amount of arrear rents, if any, lawfully due on tillers day, plus the amounts, if any, paid by or recovered from the landlord as land revenue and cesses, (b) in the case of other tenants—the purchase price shall be separate of such amounts as the Tribunal may determine not being less than 20 times the assessment and not more than 200 times the assessment, (c) the value of any structures, wells, embankments constructed and other permanent fixtures made and trees planted by the landlord on the land be considered, and the amount of arrear rents, if any, or the amounts, if any paid and/or recovered from the landlord as land revenue and cess.

2. The Tenancy Act was amended by the Act No. 5 of 1973 which was brought into effect from March 9, 1973 for plugging the existing loopholes. Some of the important features of the amending Act are as follows:

(i) Surrenders of tenancy rights in favour of the landlords have been barred. All surrenders can be made only in favour of the State Government and such land will vest with the State Government free from all encumbrances for disposal according to the provisions of the Act in accordance with the priority list.

(ii) The date for all the postponed cases for acquiring occupancy right was extended.

(iii) Tenants who were dispossessed without due process of law between June 15, 1955 and March 3, 1973, can be restored possession of such land provided that the land in question is not sold away by the landlords or put to non-agricultural use on or before March 3, 1973 and the tenant agrees to cultivate it personally. *Suo-moto* action can be taken by the *mamlatdar* if the initiative for such restoration is not taken by the tenant.

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(iv) No tenancy of a tenant belonging to scheduled castes or scheduled tribes can be terminated by the landlord on the ground of personal cultivation or for non-agricultural use.

(v) If even after normal surrender of the tenancy between June 15, 1955 and March 3, 1973 a tenant has continued to remain in actual possession of land with or without the consent of the landlord, he is made eligible for acquisition of occupancy rights.

(vi) Tenants, who in the past either did not appear before the tribunal or refused to accept the tenancy rights thereby rendering their purchases ineffective are given further opportunity to acquire occupancy rights. If such lands are not disposed of, the time limit for making applications by such tenants to the Agricultural Land Tribunals for a declaration that the purchase of the land has not become ineffective has been extended upto December 31, 1974 by Act No. 7 of 1974.

(vii) The defaulting tenants, who could not pay the purchase price by falling in arrears of four instalments, are given a further opportunity to pay the purchase price before December 31, 1974 by the Act No. 7 of 1974, thus making their purchases effective.

(viii) With effect from May 2, 1973 the agricultural labourers and artisans are deemed to have purchased the homestead lands belonging to the landlords if the dwelling houses are built by them on such sites and occupancy rights should be conferred on them on payment of occupancy price to be fixed by the tribunals which is to be within 20 times the annual rent of the site.

(ix) The definition of the expression 'to cultivate personally' has been made more restrictive in as much as the land is required to be cultivated by the person concerned or by a member of his family *i.e.* his wife, or his male descendants. The land cannot be considered as personally cultivated by an individual if he does not reside in the village in which the land is situated or in a village not farther than 15 km.

(x) Where the purchase of land by a tenant becomes ineffective, the land vests in the State, thus eliminating the possibility of collusion between the landlords and the tenants.

(xi) An absolute ban has been imposed on purchase of land for agricultural purposes by a person who is a non-agriculturist and whose income from other sources exceeds Rs. 5,000/- per annum.

(xii) The Agricultural Land Tribunals set up under the Act have been empowered to issue temporary injunctions restraining the landlords from dispossessing the tenants from the land.

V. Haryana

1. Tenancies in Haryana are regulated by the Pepsu Tenancy and Agricultural Land Act, 1955 in the Pepsu area and by the Punjab Security of Tenure Act, 1955 in other areas of the State. Both the Acts, however, are not much different so far as tenancy provisions are concerned. The main provisions relating to tenancy reforms are outlined below:

(i) The maximum rent was fixed at 1/3rd of the gross produce or value thereof.

(ii) Security of tenure was conferred on tenants holding land which was not within the permissible limit of landholders *i.e.* 30 standard acres. A tenant could be ejected on ground of personal cultivation by the landowner. A tenant was not to be ejected from a minimum area of five standard acres, within the permissible limit, until he was provided with an alternative piece of land by the State Government. The right of resumption had to be exercised within a period of one year from the commencement of the President's Act by landowners in the Armed Force of the Union and within a period of six months by other landowners. There is a special provision in Pepsu area for tenants in continuous possession of land for 12 years. They have been given complete security of tenure in an area not exceeding 15 standard acres.

2. There is an optional right of purchase of ownership for the tenant in respect of non-resumable area. In Pepsu area, compensation is 90 times the land revenue or Rs. 200/- per acre whichever is less. In other areas, a tenant in continuous possession of land for six years may purchase the non-resumable area. The price shall be 3/4th of the value prevailing during the previous 10 years.

3. Still there are many gaps in law. Tenants can be ejected in both the areas through the device of voluntary surrenders which have remained unregulated. The provisions with regard to minimum rent also do not appear to be effective in many cases and the rent generally exceeds the level provided in the plan and goes upto half of the gross produce in common practice. The provisions for optional purchase of ownership has been utilised in a very few cases.

4. It is reported that upto March 31, 1973 about 144 thousand ha of land was resumed for personal cultivation, involving 78 thousand tenants. In respect of surrender of land about 41 thousand cases were recorded within the same time involving 62 thousand ha of land. Regarding purchase of ownership, about 65 thousand ha of land was purchased by 26 thousand tenants upto March 31, 1973. Ownership right was conferred on 12.3 thousand tenants over 23.5 thousand ha of land.

VI. Himachal Pradesh

1. The Himachal Pradesh Tenancy and Land Reform Act, 1972 provides for the following important measures:

(i) A tenant, who at the commencement of the Act, has for a period of not less than 12 years continuously been occupying land, shall have the right of occupancy.

(ii) Maximum rent payable by the tenant shall not exceed one-fourth of the crop of land or the value thereof; '*ghas*' and '*bhusa*' shall not be included in the produce; and the rent is not liable to be enhanced and rent receipts are to be given by the owners to the tenants

(iii) A tenant other than an occupancy tenant shall not be liable to ejectment from his tenancy except under certain conditions including the right of resumption by the landowner upto a maximum of five acres.

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(iv) If the whole of the land of landowner is in the occupation of a non-occupancy tenant, the landowner shall be entitled to resume either 1½ acres of irrigated land or 3 acres of non-irrigated land for personal cultivation. The rest of the land shall vest in the tenant free from all encumbrances, created by the landowner on payment of compensation.

(v) The non-occupancy tenant can be conferred ownership rights in non-resumable area on payment of compensation at the rate of 96 times the land revenue within 5 years.

(vi) Vesting of ownership rights to occupancy tenants can be made on payment of compensation which will be an amount equal to 48 times the land revenue and rates and cesses chargeable on the land. The amount shall be payable in half yearly instalments not exceeding six.

(vii) Transfer of land to non-agriculturists has been banned.

(viii) Any tenant may surrender his tenancy by giving notice in writing to the landowner or his agent on or before January 15th of any year about his intention to surrender the tenancy at the end of agricultural year then current. In case of failure to issue the notice he shall be liable to pay the rent for the tenancy for any part of the ensuring agricultural year during which the tenancy is neither let to some other person nor cultivated by him.

(ix) A tenant is not entitled to surrender a part of his holding.

VII. Jammu and Kashmir

1. The occupancy tenants, protected tenants, and ordinary tenants existed in Jammu and Kashmir. The tenants acquired the right of occupancy under the Tenancy Act of 1923 on being in possession of land for specified periods on particular dates.

2. Tenants holding lands at the commencement of the Amended Act of 1955 were protected tenants who were not liable to ejectment any longer on grounds of requirements of the land for personal cultivation by the owners. A person whose holdings exceeded 12½ acres was entitled to receive as rent one-fourth of the gross produced for wet land and one-third of the produce for dry land. Persons whose holdings did not exceed 12½ acres were entitled to receive rent upto half the produce. The seed, plough and bullocks were to be provided by the landlord.

3. The latest enactment in the field of land reforms including tenancy reforms known as Jammu and Kashmir Agrarian Reforms Act, 1972, came into force on May 1, 1973. The main provisions of this Act are as follows:—

(i) There should be no tenant-at-will in the State and sharecropping be completely abolished.

(ii) Tenanted land was to be transferred to the tillers on realisation of levy from them. Meanwhile they will be deemed to be prospective owners.

(iii) The Act allowed resumption for personal cultivation of land upto 3 standard acres, subject to a condition that the aggregate income of the landowner did not exceed Rs. 500/- per month and the tenant, likely to be ejected by such resumption, is not left with

less than an aggregate area of 2 standard acres. If a landowner was a member of the Armed Forces or a casualty during a specified period, he, his heir or dependent was entitled to resume upto ceiling level. Application for this purpose had to be made within a period of 180 days from the appointed day. Persons living in the municipal areas of Srinagar, Jammu and Poonch Cities, however, were not allowed to resume any land for personal cultivation.

4. Tenancies in the State stood abolished with effect from May 1, 1973 for all practical purposes under the provisions of the Jammu and Kashmir Agrarian Reforms Act, 1972. As such rent, or rate of rent, has not been provided for in this Act. The tenant would purchase ownership on payment of 20 times the '*chakla*' rates.

5. The following draw backs still persist:

(i) Resumption has not been completely eleminated;

(ii) *Chakla* rates are rather high for '*kandi*' areas. The compensation, therefore, is on the high side. It is informed that the operation of the Act of 1972 is suspended for the present.

VIII. Karnataka

1. A comprehensive Mysore Land Reforms Act was enacted in 1961 and was amended in 1968. It has again been amended in 1974 and the amended provisions came into force with effect from March 1, 1974. The main provisions, as they stand now are mentioned below:—

(i) Rent was fixed at one-fourth to one-fifth of the gross produce or the value thereof. By the 1974 amendment rent was not to exceed 10 times the land revenue plus irrigation charges wherever relevant.

(ii) No landlord or any person on his behalf was allowed to recover or receive rent in kind or in terms of service or labour. The landlord was not liable to make any contribution towards the cost of cultivation of the land in possession of the tenant.

(iii) Fixity of tenure was subject to landlord's right to resume, generally half the leased area, on application to be made within one year of the commencement of the Act.

(iv) Leasing out of land is prohibited except by a soldier or a seaman. Besides, a soldier or a seaman, having created or continued a lease, could resume land upto the extent of one ceiling area.

(v) All tenants and sub-tenants in respect of non-resumable lands were to be brought into direct relation with the State with effect from a date to be notified. Previously the tenants had an optional right to purchase full ownership on payment of price equal to 15 times the net rent payable in 20 annual equated instalments. All lands held by tenants have vested in the Government as from March 1, 1974 and the tenants would get occupancy right subject to the payment of an occupancy price which would not exceed 20 times the rent. The time limit for filing the applications by the tenants for grant of occupancy rights and for filing declara-

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(ii) No landlord or any person on his behalf was allowed to recover or receive rent in kind or in terms of service or labour. The landlord was not liable to make any contribution towards the cost of cultivation of the land in possession of the tenant.

(iii) Fixity of tenure was subject to landlord's right to resume, generally half the leased area, on application to be made within one year of the commencement of the Act.

(iv) Leasing out of land is prohibited except by a soldier or a seaman. Besides, a soldier or a seaman, having created or continued a lease, could resume land upto the extent of one ceiling area.

(v) All tenants and sub-tenants in respect of non-resumable lands were to be brought into direct relation with the State with effect from a date to be notified. Previously the tenants had an optional right to purchase full ownership on payment of price equal to 15 times the net rent payable in 20 annual equated instalments. All lands held by tenants have vested in the Government as from March 1, 1974 and the tenants would get occupancy right subject to the payment of an occupancy price which would not exceed 20 times the rent. The time limit for filing the applications by the tenants for grant of occupancy rights and for filing declara-

tions by the substantial landowners was extended upto December 31, 1974.

(vi) The tenant of a soldier or seaman could surrender land only in favour of the State Government. The State Government may lease the surrendered land to any person if it was not claimed by the soldier or the seaman for personal cultivation and the lessee was to pay the rent to the landlord direct.

(vii) The rights of the registered occupants were made heritable and transferable only after a lapse of six years of continuous occupation. It also included the right to mortgage in favour of the State Governments, a scheduled bank, a cooperative land development bank, a corporation held and controlled by the Central or the State Government.

IX. Karala

1. The Kerala Land Reforms Act, 1963, provided for security of tenure, regulation of rent and transfer of ownership rights to tenants and *'kudikidappukars'* (hutment dwellers) and came into force with effect from April, 1964. The Act was substantially amended in 1969 and the amended provisions came into force on January 1, 1970 alongwith such provisions of the Act which were not in force till then. This Act was further amended in 1971, 1972 and 1973 respectively. The main provisions as they stand now are outlined below:

(i) The term 'tenant' has been defined to include informal sharecropper.

(ii) Land can be resumed for personal cultivation as under: (a) whole or part of the holding may be resumed if the tenant holds more than the ceiling area subject to the condition that after resumption the landowner should not be holding more than one ceiling area and the holding of the tenant in such cases is not reduced below the ceiling; (b) a small holder may resume from a tenant holding more than the ceiling area, the whole or portion of the holding subject to the condition that the tenants holding is not reduced below the ceiling and the holding of the landlord is not raised above 5 acres; (c) no resumption is allowed from a tenant who is a member of the scheduled castes or scheduled tribes, and (d) a small holder may resume from his tenant a portion of the holding not exceeding one-half if by such resumption the land in possession of the small holder is not raised above 2½ standard acres or 5 acres whichever is greater. However, no resumption is allowed under this provision if the tenant is entitled to fixity of tenure in respect of his tenure immediately before January 21, 1961 under any law then in force; and (e) applications for resumption in respect of tenancies subsisting on the commencement of the Act were to be made within one year of such commencement.

(iii) The right of limited resumption given to small holders in specific areas has since expired and all tenants in respect of non-resumable areas have been conferred permanent, heritable and transferable rights.

(iv) With the conferment of full ownership rights on tenants, the tenants have been given full security. The Government is responsible to pay the compensation to the land owners. The amount paid as compensation is recoverable from the tenants.

2. Three types of rents stated below prevailed:

(i) Contract rent: This rent was applicable to a person who was under obligation to pay rent under the provisions as amended by the Kerala Land Reforms Act, 1969, and who prior to it was not under such obligation. The contract rent shall be: (a) where there is a stipulation in the document for payment of any amount—such amount, or (b) in the case of a *"varamdar"* the average of the share of the landlord in the paddy produce for the three years immediately preceding the commencement of this Act, and if the *"varamdar"* was not cultivating continuously for a period—the share of the landlord for the year in which the *varamdar* cultivated the land last immediately before the commencement of the 1969 Act, and (c) in other cases—Rs. 3/- per acre.

(ii) Fair rent: (a) In the case of *'nilams'*—50 per cent of the contract rent or 75 per cent of the fair rent determined under any law in force immediately before January 21, 1961 or rent calculated on the basis of rates specified in Schedule III applicable to the class of land comprised in the holdings, whichever is less, (b) Other lands—75 per cent of the contract rent, or fair rent determined under any law in force before January 21, 1961 or the rent on the basis of rate specified in Schedule III applicable to the class of land comprised in the holding, whichever is less. The tenant was given the right to opt for the rent payable. The option was to be intimated to the landlord by registered post and from that year that rent would be treated as fair rent.

(iii) Agreed Rent: The landlord and the tenant are entitled to come to an agreement with regard to rent and when such agreement is filed with the land tribunal it shall issue orders confirming such rent as fair rent. The agreed rent shall not exceed fair rent as laid down in the Act.

3. A tenant may terminate the tenancy in respect of the land held by him at any time by surrendering his interests therein, provided such surrender shall be made in favour of the Government. Surrender should be made in writing before the Land Tribunal and be registered in the Tribunal's Office. The Government shall pay the landlord the fair rent for the relevant land till it is leased out to any other person by the Government. The new tenant shall be liable to pay directly to the landlord the fair rent from the date he is inducted and the Governments liability shall cease.

4. Similarly, the Government takes over the land abondoned by a tenant and pays fair rent to the landlord till it is let out to another tenant who will pay fair rent directly to the landlord from the date of his induction on the land.

5. No landlord shall enter on surrendered or abandoned land.

X. Madhya Pradesh

1. Tenancies are regulated in Madhya Pradesh under the Madhya Pradesh Land Revenue Code, 1959 which laid down the following main measures:

(i) Rents were fixed at 4 to 2 times the land revenue depending upon the class of land.

(ii) Rent paid in terms of service or labour or cropshare could be commuted into cash rent by application to the sub-divisional officer.

(iii) If the agreed rent was lower than the maximum prescribed, the lower rent prevailed.

(iv) Subletting was prohibited except in specified circumstances. In case of leasing out, the lessee automatically became an occupancy tenant with right to acquire the rights of *bhumiswamy* from the commencement of the agricultural year next following the date from which right of occupancy accrued to him.

(v) If a landowner had under his personal cultivation less than 25 acres of unirrigated land, he could resume so much area as would make his holding equal to 25 acres of unirrigated land. The area in possession of the tenant consequent of such resumption should not be reduced to below 25 acres if the tenant had more than 5 years of standing and 10 acres in respect of other tenants. Application for resumption had to be made within one year from the date of commencement of the Code.

(vi) By executing a surrender deed thirty days before the commencement of the next agricultural year in favour of the landowner, an occupancy tenant could surrender the land. The document was valid only if it was registered.

(vii) The landowner was eligible to resume the surrendered land only upto the prescribed limit. The surplus, if any, would vest to the State Government for which he was to be paid compensation equal to twice the rent payable.

(viii) The right of resumption has expired and the tenants have been conferred ownership in respect of non-resumable area.

(ix) No member of scheduled tribes can transfer his rights to a non-tribal without the permission of the Collector.

2. The following drawbacks still exist in the tenancy legislation in Madhya Pradesh:

(i) The law prohibits leasing (except by disabled persons). But in practice, extensive leasing out is going on in the form of crop sharing (*batai*) and the sharecroppers are generally not recorded.

(ii) Since the right of ownership accrued to occupancy tenants automatically, *suo-moto* ancillary actions to mutate them was not taken.

XI. Maharashtra

1. There are three distinct regions in Maharashtra, namely (a) Bombay region, (b) Marathawada region, and (c) Vidarbha region. The Bombay Tenancy and Agricultural Land Act, 1948 applies to the Bombay region. The Hyderabad Tenancy and Agricultural Land Act, 1950, applies to Marathawada region and the Bombay Tenancy and Agricultural Act, 1958 (Vidarbha Region and Kutch Area) applies to the districts of former Central Provinces

and the district of Berar. The provision of these Acts are more or less similar and they provide for fixity of rent and security of tenure to the cultivating tenants. These laws also provide for compulsory transfer of land to the tenants which are non-resumable by landlords.

2. The Bombay Tenancy and Agricultural Lands Act, 1948 as amended subsequently several times upto 1970 laid down the following main measures:—

(i) The maximum rent payable by a tenant to the landlord was 2 to 5 times the assessment, but not exceeding Rs. 20/- per acre. If customarily the agreed rent was less than the limits prescribed, such rent would prevail.

(ii) *Suo-moto* action could be taken for commuting crop rents into cash rents.

(iii) The landlord was not liable to make contributions towards the cost of cultivation.

(iv) The tenant was liable to pay in respect of the land held by him (a) land revenue, (b) irrigation cess, (c) local cess under the Bombay Local Boards Act, 1923, and (d) cess levied under the Bombay Village Panchayat Act, 1933. However, if the aggregate of the land revenue and cess and the rent payable by him exceed 1/6th of the produce, the tenant was entitled to deduct from the rent for that year the amount so in excess.

(v) Before ownership was transferred to the tenant, the landlords were allowed to resume land for personal cultivation and the tenants were allowed to surrender their tenancies to the extent that land was resumed by the landowner.

(vi) Resumption for personal cultivation was allowed upto the ceiling area if the landowner was not cultivating any land personally; if the area cultivated by him personally was less than the ceiling area, he could resume so much area as would make his holding equal to the ceiling area. After termination, the tenant was to be left with not less than half the area leased to him. If the tenant was a member of a cooperative farming society, no resumption was allowed.

(vii) A tenant could terminate tenancy by surrendering his interest in favour of the landlord. Such surrender had to be in writing and verified before the *Mamlatdar*.

(viii) The landlord was allowed to retain land surrendered by the tenant according to the provisions in Sections 31 and 31A relating to resumption for personal cultivation.

(ix) The purchase price to be paid by the tenants for ownership rights was fixed at 20 times to 200 times the assessment.

3. The Bombay Tenancy and Agricultural Land (Vidharbha Region and Kutch Area) Act, 1958 contained the following major provisions:—

(i) Rent was fixed at 3 to 4 times the land revenue.

(ii) Commutation of crop share into cash rent was provided for.

(iii) No rent in the form of service or labour could be received.

(iv) Every tenant was liable to pay (a) land revenue in accordance with the provisions of the Madhya Pradesh Land Revenue Code, 1959, (b) the canal revenue in accordance with provisions of

C.P. Irrigation Act, 1931, (c) the cess levied under the Central Province and Berar Local Government Act, 1948, and (d) the cess levied under the Bombay Village Panchayats Act, 1951. If the aggregate amount of all those cesses exceed 1/6th of the produce, the tenant was entitled to deduct from the amount so in excess.

(v) If the landowner had no land under his personal cultivation, he could resume upto 3 family holdings. If the area under personal cultivation was less than 3 family holdings, he could resume an extent to make his holding equal to three family holdings. After termination, the tenant was to be left with not less than half the area leased to him. If the landowner's holding was less than one-third of a family holding, the entire leased area could be resumed.

(vi) Purchase price of ownership right by the tenant was fixed at 7 to 10 times the rent in the case of occupancy tenants and not exceeding 2 times the rent in other cases.

(vii) A tenant could terminate the tenancy at any time by surrendering his interest as tenant to the landlord provided such surrender was made in writing and verified by the Tehsildar.

(viii) Where surrender took place, the landowner was entitled to keep only so much area as would present the total area which he cultivated personally whether as owner or as tenant, would be equivalent to maximum of three family holdings. The area, which the landowner was not entitled to retain, was to be declared as surplus land.

4. The Hyderabad Tenancy and Agricultural Land Act, 1950 included the following measures:—

(i) Maximum rent for different classes of land was laid as: (a) dry land of *chalka* soil at 4 times the land revenue, (b) dry land of black cotton soil at 5 times the land revenue, (c) 3 times the land revenue of land irrigated by wells and 4 times in other lands, (d) *baghat*—5 times the land revenue, and (e) classes of land not falling in any of the above—reasonable rent determined having regard to the classes of land and the rent fixed for the said categories. Subject to the maximum, rent payable could be the rent agreed upon or payable according to usage or custom, or where no such usage or custom existed, the reasonable rent. Rent received in the form of service or labour could be commuted into cash rent on application by the landlord within 12 months of the commencement of the Act.

(ii) A tenant could terminate the tenancy by surrender of his rights to the landholder at least a month before the commencement of the agricultural year. Such surrender had to be in writing and to the satisfaction of the Tehsildar.

(iii) Resumption for personal cultivation was allowed upto three family holdings. Where the holding of the landowner was less than a basic holding, the entire area could be resumed. If the landowner held more than a basic holding after resumption, the tenant was to be left with at least a basic holding including the land owned by him.

(iv) Both voluntary purchase of ownership by the tenants and compulsory transfer of ownership to protected tenants were provided for.

(v) Purchase price for both protected tenants and ordinary tenants were fixed at rate not exceeding 12 times the rent.

XII. Orissa

1. The Orissa Land Reforms Act was passed in 1960 to introduce uniformity in the tenures and to consolidate the rights and benefits accruing under various legislative and executive measures preceding it. This Act was subsequently amended by the Orissa Land Reforms (Amendment) Act, 1965, and the main Act alongwith the amendments was brought into force with effect from October 1, 1965 excluding the provisions of chapters 3 and 4. Chapter 3 was given effect to from January 9, 1965 which deals with conferment of occupancy rights on unrecorded tenants. Chapter 4, which deals with ceiling on agricultural holdings, was brought into force from November 7, 1972. The relevant provisions of the Act were as follows:—

(i) Fair rent was fixed at 1/4th of the gross produce or the value thereof, or the value of 1/4th of the estimated produce.

(ii) Rent was not to exceed 'fair rent' which is 8, 6, 4 and 2 standard maunds of paddy correspondingly to one acre of Class I, Class II, Class III or Class IV land.

(iii) Resumable area was not to be more than half of the area held by the tenant. Either party could make an application for the determination of the resumable and non-resumable area within a specified time. If both the parties failed to apply, the revenue official may within six months of the expiry of that date determine the resumable and non-resumable area and other matters.

(iv) Ownership of holdings could be transferred to the tenants in respect of non-resumable lands on payment of compensation equal to 10 times the fair rent and payable in five instalments.

(v) The rights of the *ryot* were made permanent, heritable and transferable. Sharecroppers were not treated as *ryots*.

(vi) The *ryot* could not lease out except on grounds of disability.

2. The Orissa Land Reforms Act was sought to be amended in 1972 for extending privileges to the members of scheduled castes and scheduled tribes of the State. But this amendment could not be enacted due to dissolution of the Assembly. Consequently, the Bill was passed as the President's Act on September 28, 1973 and was enforced with effect from October 2, 1973. The time limit for acquisition of *ryoti* rights by recorded and unrecorded under-*ryots* and tenants was extended by two years in accordance with the 1973 amendment. By this amendment tenants are now entitled to acquire *ryoti* rights over the entire extent of land held by them instead of over 50 per cent as was provided for in the earlier Act.

3. Sections 22 and 23 of the 1960 Act relating to the protection of the members of scheduled castes and scheduled tribes were not in full conformity with those granted under Regulation 2 of 1956. Necessary facilities were extended to the scheduled castes and scheduled tribes in the non-scheduled areas to which the provision of the 1956 Regulations did not apply. An

Ordinance to amend the Orissa Land Reforms Act was promulgated on April 13, 1974 to make the operation of 1973 amendment easier, removing all existing ambiguities. Later, this Ordinance was replaced by the Orissa Land Reforms (Amendment) Act, 1974.

XIII. Punjab

1. Tenancies were regulated in the Pepsu region under the Pepsu Tenancy and Agricultural Tenancy Act, 1955 and in other areas under the Punjab Security of Land Tenures Act, 1953. The basic provisions of both the laws, however, were more or less common as far as tenancy provisions were concerned. The following measures are provided:—

(i) The maximum rent was fixed at 1/3rd of the gross produce or value thereof.

(ii) Security of tenure to the tenant was conferred in respect of land which was not within the landowner's permissible limit of 30 standard acres. Within the permissible limit the tenant could be ejected (on ground of personal cultivation) provided that a minimum area of five standard acres was left with a tenant until he was provided with an alternative piece of land by the State Government.

(iii) There was a special provision in Pepsu area for tenants in continuous possession of land for 12 years; they were given complete security of tenure in an area not exceeding 15 standard acres.

(iv) There was an optional right of purchase of ownership for tenants. In Pepsu area compensation was 90 times the land revenue or Rs. 200/- per acre whichever was less. In other areas a tenant in continuous possession of land for six years could purchase the non-resumable area; the price was to be 3/4th of the average market value prevailing during the previous 10 years.

2. The following defects in the tenancy legislation of the Punjab still exist:—

(i) Tenants can be ejected through the device of voluntary surrenders which have remained unregulated. A landowner through this device can take possession of land which he cannot otherwise resume. So the security of tenure conferred by law was largely negated.

(ii) The provisions with regard to maximum rent also do not appear to be effective in many cases and the rent commonly exceeds the level provided in the law and go up to half of the gross produce.

(iii) Issue of rent receipts is only in the Statute books and seldom practised.

(iv) There is no provision for transfer of ownership to tenants in respect of the entire non-resumable area.

(v) Sharecroppers are not conferred tenancy status because of lecuna in the definition of 'tenant' and 'personal cultivation'.

XIV. Rajasthan

1. The Rajasthan Tenancy Act, 1955 came into force all over the State in 1955 replacing the numerous State laws in force till then. The major provisions of the Act are outlined below:—

(i) Rent was fixed as follows: (a) the maximum rent shall not be less than one and a half times and not more than three times the amount assessed as land revenue in areas where land revenue is settled and rent is payable in cash; (b) the maximum rent shall not exceed twice the amount assessed as rent in areas where rents have been assessed in cash by settlement upon tenants and rents are paid in cash by sub-tenants; (c) the contracted rent will prevail if it is less than the maximum laid down; (d) the maximum shall not exceed one-sixth of the gross produce thereof for each harvest where rents are payable in kind; (e) where cropsharing is contracted and the landholder shares the expenses on manure and seed to the extent of 50 per cent, the maximum rent recoverable shall be one-fourth of the produce; (f) where rent is paid in kind or is based on an estimate of the crop, the tenant or the landholder shall apply for commutation to a fixed money rent; and (g) the rent of a tenant can be enhanced or abated only by a registered agreement or by a decree of a competent revenue court.

(ii) Tenants were liable to ejection if the land was required for personal cultivation and if such land held by the tenant was above a fixed limit. A lease permitted under the Act was resumable after the expiry of such lease if such land was required for personal cultivation. Resumption was also allowed in cases of leases made before 1948-49 which could not be terminated on account of laws enacted subsequently, if the tenant had not acquired *khatedari* rights in the meanwhile and if the landholder's personal cultivation did not exceed 30 acres of irrigated or 90 acres of unirrigated land.

(iii) Ownership right, i.e. *khatedari* rights, could be transferred to the tenants and sub-tenants in respect of non-resumable area.

(iv) The compensation payable to a landholder was 15 times the rent for unirrigated land and 20 times the rent for irrigated land, payable by the tenant in annual instalments not exceeding 10.

(v) A tenant could on or before 1st May, surrender his holding by giving up possession thereof in writing attested by the *sarpanch* unless the tenant was bound to continue under an agreement. The landowner was to be given one month's registered notice indicating the surrender. However, this did not effect any arrangement by which the tenant and the land owner mutually agreed to the surrender of the whole or portion of the holding.

2. The Rajasthan Tenancy Bill, 1972, seeks to amend many provisions of the Rajasthan Tenancy Act, 1955. The Bill has not yet been passed by Rajasthan Legislative Assembly into an Act.

3. The Government also decided to confer *khatedari* rights on all such persons, who were allotted land by December 31, 1969, by charging 2 times the land revenue from such allottees. The provision to confer *khatedari* rights

to the tenants of *'khudkasht'* was also made. The sub-tenants were required to obtain a declaration from the Assistant Collector concerned within two years of the prescribed date. This time limit has since been extended to give relief to the sub-tenants.

XV. Tamil Nadu

1. The Madras Cultivating Tenants Protection Act, 1955 (as amended in September, 1965) affords protection to tenants from unjust eviction. The main provisions of this Act are outlined below:

(i) No cultivating tenant shall be evicted from his holding or any part thereof by or at the instance of his landlord, whether in execution of a decree or order of a court or otherwise except as otherwise provided.

(ii) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord.

(iii) Every cultivating tenant, who was in possession of any land on December 1, 1953 and who is not in possession thereof at the commencement of this Act shall, on application to the Revenue Divisional Officer, be entitled to be restored to such possession on the same terms as it stood on December 1, 1953.

(iv) A landlord shall be entitled to resume possession from any cultivating tenant for purpose of personal cultivation of lands not exceeding one-half of the extent of lands leased out to the cultivating tenant.

(v) A landlord shall not however be entitled to resume if he owns land exceeding 13-1/3 acres of wet land or has been assessed to sales-tax or profession Tax or Income Tax.

2. The Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 as amended upto August, 1969 lays down the following major provisions relating to regulation, fixation and payment of rent.

(i) With effect from October 1, 1956 every cultivating tenant shall be bound to pay the landowner and every landowner shall be entitled to collect from the cultivating tenant fair rent payable under this Act.

(ii) Fair rent shall be (a) in the case of wet land 40 per cent of the normal gross produce or its value in money; (b) in the case of wet land, where the irrigation is supplemented by lifting water, 35 per cent of normal gross produce or its value in money; (c) in case of any other class of land 33-1/3 per cent of the normal gross produce or its value in money.

(iii) The fair rent in respect of any land may be paid either in cash or in kind or partly in cash and partly in kind according to the terms of contract between the landlord and the tenant. In the absence of any such contract the fair may be paid at the option of the cultivating tenant.

(iv) Constitution of Rent Courts and Rent Tribunals has also been provided for.

3. The interests of tenants of Trust lands are regulated by the Tamil Nadu Public Trusts (Regulations of Administration of Agricultural Lands) Act, 1961 as amended upto March, 1966. The relevant provisions of this Act are stated below:

(i) No public trust shall personally cultivate, or lease out, land held by such trust except in accordance with the provisions of this Act.
(ii) No public trust shall personally cultivate land in excess of twenty standard acres.
(iii) No public trust is entitled to evict any person holding land as cultivating tenant under such public trust except in accordance with the special provisions.
(iv) When any land reverts to the public trust and if the land is in excess of 20 standard acres such excess land should be leased out to a cooperative farming society or any person who is already a cultivating tenant.
(v) No cultivating tenant under any public trust shall be evicted from his holding or any part thereof by or at the instance of the public trust.
(vi) Any public trust may, however, evict a cultivating tenant for arrears of rent, negligence which is destructive or injurious to the land etc. specified.
(vii) Any cultivating tenant under any public trust, who has been wrongfully evicted, may make an application for restoration of possession within six months from the date of such eviction.
(viii) Every cultivating tenant under any public trust be bound to pay to the public trust and every public trust shall be entitled to collect from the cultivating tenant fair rent payable under the Act.
(ix) The principles of fair rent under the Act are similar to those under the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 as already stated above.
(x) The Act provides for the formation of tenants cooperative farming societies.
(xi) Some lands, however, have been exempted from the operation of this Act.

4. A landlord who was not entitled to resume land for personal cultivation on the day of commencement of the 1956 amendment shall not become entitled subsequently by any change of circumstances.

5. There is no provision to confer ownership on the tenants as yet. The State Legislature passed the Tamil Nadu Cultivating Tenants (Right to Purchase the Landowner's Right) Bill, 1973, aiming at conferring on the cultivating tenant the right to purchase the land cultivated by him from the landowners. The Bill was later referred to a Joint Select Committee for consideration. The State has enacted a law, namely, Tamil Nadu Agricultural Lands (Record of Tenancy Rights) Act, 1969 which provided for the preparation and maintenance of complete and reliable records of tenancy rights which would serve as a documentation on tenancy and would go a long way in ending the evils associated with oral leases.

XVI. Uttar Pradesh

1. Under the Uttar Pradesh Zamindari Abolition Act, 1950, the *zamindars* in possession of their unlet *'sir'* and *'khudkasht'* lands were given the status of *bhumidars* with permanent, heritable and transferable rights for which they were not required to pay any amount to the Government. Besides the *bhumidars*, the Uttar Pradesh Zamindari Abolition Act also created three other new categories of tenures of the agriculturists, namely *sirdars, asamis* and *adivasis, Sirdars* had permanent and heritable rights but they had no right to transfer lands. They could acquire *bhumidari* rights on payment of a sum equal to 10 times (subsequently raised to 20 times) the rent at hereditary rates. *Asamis* had no right of transfer. They comprised primarily the pre-1947 non-occupancy tenants, 'Adhivasis' was the designation devised for the former tenant-at-will on the 'sir' lands of the small *zamindars* paying land revenue amounting to less than Rs. 250/- per annum. Both *asamis* and *adhivasis* continued to hold lands as tenants under the newly created *bhumidars* and *sirdars*. They were subject to ejectments on various grounds.

2. The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 provided for the following measures:

(i) All tenants were conferred complete security of tenure.

(ii) No resumption was permitted to owners on grounds of personal cultivation;

(iii) Leases in future were banned except by persons suffering from disability.

(iv) Personal cultivation included cultivation through *sajhis i.e.* partners in cultivation. The *sajhis* were not regarded as tenants.

(v) Ejectment of tenants and sub-tenants was stayed since 1939. A provision has been made in the law for the restoration of those who had been dispossessed since 1950-51 on application or suo-moto by the revenue authorities.

(vi) Provision to bring tenants and sub-tenants (except tenants and sub-tenants of displaced persons) into direct relationship with the State have been made.

(vii) Permanent and heritable rights but not transferable rights to *sirdars* was conferred. They are, however, permitted to mortgage their land to Government cooperative societies, State Bank of India and other scheduled banks and Agro-Industries Corporation.

(viii) A *sirdar* may surrender his holdings or any part thereof by making an application to the Tehsildar in writing or to the Land Management Committee, intimating his intention and giving up possession. An *asami* may also surrender whole or part of his holding by giving notice in writing to the Land Management Committee or the landholder intimating his intention and giving up possession.

(ix) Rent was provided as agreed upon between the *asami* and his landholder or the *gaon sabha*. The rent payable was not alterable except as per the provisions of the Act. If the rent was not agreed upon, the *asami* or the landholder could institute a suit for fixation of rent.

(x) There was a provision for commutation of rent payable in kind in the manner prescribed. The rent should be payable in two equal instalments on the November 15, and May 15.

3. The law prohibited leasing out but provided 'partnership' (*sajhedari* system). By a recent amendment, however, the *sajhedars* have been given the status of tenants. This provision is yet to be implemented.

4. Conferment of ownership on the tenant, which was a part of the scheme of abolition of intermediaries has been bestowed in 18.54 Mha of land.

XVII. West Bengal

1. By the provision of the West Bengal Estates Acquisition Act, 1953, all *ryots* and under *ryots*, under the rent receiving interests of the intermediaries and ryots correspondingly, were deemed to be the *ryots* on acquisition of rent receiving interests. Thus all tenants and sub-tenants in West Bengal came in direct relation with the State. They have permanent, heritable and transferable rights and they are non-resumable. The rent, which they were paying previously, prior to the enactment of the West Bengal Estates Acquisition Act, 1953, continued under the said Act. The issue of regulation of rent was not specifically required as such rent was very low (Rs. 3.75 per acre approximately). There is provision in the West Bengal Land Reforms Act, 1955 to revise the rent in a prescribed manner. Revision of rent is now under the process of implementation under the 1955 Act. Other rights like the surrenders and abandonment of holding, which had considerable impact before the promulgation of 1953 Act, lost their significance under this Act as the land holders were also limited to a ceiling which included *khas* lands, resumed lands and also surrendered lands if any. The major issues of tenancy reforms did not so much concern the *ryots* and under *ryots*, who were also up-graded as *ryots* under the provision of the said Act of 1953.

2. The tenants, who badly require all the protection under the tenancy reforms are the sharecroppers. The term "tenant" according to the Bengal Tenancy Act, 1885, as amended in 1928 and 1937 did not include a sharecropper, locally known as *bargadars* or *adhiars* or *bhagdars*. As such, all the benefits of security of tenure, regulation of rent etc. were denied to them. Though the Floud Commission as far back as 1940 recommended that the sharecroppers should be treated as tenants, yet the provisions under either the West Bengal Estates Acquisition Act, 1953, or the West Bengal Land Reform Act, 1955, were absolutely silent about it. The sharecroppers, therefore, could not avail of the provisions of the West Bengal Estates Acquisition Act, 1953.

3. The rights of the sharecroppers in West Bengal are now largely governed under the West Bengal Land Reforms Act, 1955 as amended in 1970 and 1971. The amended Act provides, as far as the sharecroppers are concerned, as follows:

(i) Regulation of crop share payable to the landowner. It has been provided that the produce be divided as between the *bargadar* and owner: (a) in the proportion of 50:50 in case where the plough, cattle, manure and seeds are supplied by the landowner; and (b) in the proportion of 75:25 in all other cases.

(ii) The owner can resume the entire land for personal cultivation if he holds 7½ acres and two-thirds of the area, if he holds above 7½ acres. The *bargadar* should be left with at least two acres of land for his personal cultivation. There is no time limit for resumption. But as a ceiling on land holding was imposed from the

very beginning under the West Bengal Estates Acquisition Act, 1953, the limit of resumption was always confined within the prescribed ceiling limit and limited to the owner's exercise of option for retaining lands in *khas* possession.

(iii) The position of the *bargadar* has somewhat improved as they now have heritable right to cultivate the land and can be ejected by the due process of law. Illegal eviction of *bargadars* have been made cognizable offence punishable with imprisonment or fine or both.

(iv) In case of surrender or abandonment of holding by a *bargadar* the landowner has to inform the Revenue Officer in writing who will enquire into the case and decide whether the surrender or abandonment was voluntary or not. In either case, the landowner is not allowed to take over the land but it is given to some other *bargadar* for cultivation.

(v) The question whether sharecroppers can be given full tenancy rights is still under examination.

4. The West Bengal Government enacted the West Bengal Acquisition and Settlement of Homestead Land (Amendment) Act, 1972, seeking to extend the period for the submission of applications for homestead rights upto August, 1974. The condition of three years' continuous residence for entitlement to homestead tenancy rights, as provided for in the principal Act, was also deleted.

The West Bengal Restoration of Alienated Land Act, 1973, provided for restoration to the small cultivator of land that has passed out of his hands due to distress sale. If a person who held not more than 2 ha of land transferred a part or whole of it by sale after 1967, being in distress or in need of money for the maintenance of himself, his family or for meeting the cost of cultivation, or if such transfer was made after 1967, with an agreement, written or oral, for reconveyance of the land transferred to the transferor, he could make an application within a prescribed period for restoration of such land.

APPENDIX 66.3

(Paragraph 66.4.18)

Statewise Legislation on Ceiling on Holdings

I. Andhra Pradesh

1. The Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, and Rules lay down the following main provisions:

(i) Level of Ceiling: For a family upto 5 members the ceiling limit is 4.05 ha to 7.28 ha for double cropped wet land, 6.07 ha to 10.93 ha for other wet land, and 14.16 ha to 21.85 ha for dry land. The outer limit is twice the ceiling area.

(ii) Definition of the term 'family' means (a) in the case of an individual who has a spouse or spouses, such individual, the spouse or spouses and their minor sons and their unmarried minor daughters, if any; (b) in the case of an individual who has no spouse such individual and his or her minor sons and unmarried minor daughters; (c) in the case of an individual who is a divorced husband and was not remarried, such individual and his minor sons and unmarried minor daughters whether in his custody or not; and (d) where an individual and his or her spouse are both dead, their minor sons and unmarried minor daughters.

(iii) Unit of application: family/person.

(iv) Exemptions: mainly in line with the National Guidelines, lands held by religious, charitable and educational institutions including a wakf of public nature have been exempted.

(v) Compensation for surplus land: 100 to 10 times of the total land revenue payable on the surplus land on a sliding scale with maximum limit of Rs. 1 lakh.

(vi) Retrospective date: January 24, 1971.

II. Assam

1. The Assam Fixation of Ceiling on Land Holdings Act, 1956 as modified upto May 31, 1972 lays down the following major provisions:—

(i) Level of ceiling: 50 bighas (6.68 ha) plus actual area of the orchard subject to a maximum of 15 bighas (2.02 ha).

(ii) Definition of family: family includes a joint family of which the members are descendents from a common ancestor and have a common mess and shall include wife or husband, as the case may be, but shall exclude married sons and their children provided that a family consisting of father, mother, minor sons and unmarried daughters holding lands jointly shall be presumed to be joint inspite of having a separate mess.

(iii) Unit of application: family/person.

(iv) Exemption includes: (a) land for special cultivation of tea; (b) large scale citrus cultivation in compact blocks exceeding 50 bighas (6.68 ha), existing on the January 1, 1955, and (c) lands held by a cooperative farming society for feeding a sugarcane factory.

(v) Compensation for surplus land was provided for at (a) 25 times and 50 times the full rate of land revenue for fallow land and other land respectively; at (b) 10 times and 25 times the full rate of land revenue when taken from an occupancy tenant; and at (c) 5 times and 30 times respectively when taken from non-occupancy tenant.

(vi) Retrospective date: April 1, 1970. The amendment of the Act in May, 1972, did not receive the assent of the President. It is understood that the latest amendment of the Act, as recommended by the State Legislature of Assam, is now under the consideration of Government of India.

III. Bihar

1. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 as modified upto October 15, 1973, lays down the following major provisions:

limit to (a) Class I—15 acres; (b) Class II—18 acres; (c) Class limited to (a) Class I—15 acres; (b) Class II—18 acres; (c) Class III—25 acres; (d) Class IV—30 acres; (e) Class V—37-1/2 acres; (f) Class VI—45 acres and (g) outer limit is 1-1/2 times the ceiling area *i.e.* 45 acres.

(ii) family consists of husband, wife and 3 minor children.

(iii) Unit of application: family/person.

(iv) Exemption: mainly in line with the National Guidelines, exemption given to plantation withdrawn. Land, held by educational institutions, hospitals, maternity homes and orphanages on the commencement of this Act are exempted.

(v) Compensation for surplus land : Rates of compensation payable are as follow Class I land Rs. 900/- per acre; Class II land Rs. 750/- per acre; Class III land Rs. 540/- per acre; Class IV land Rs. 450/- per acre; Class V Rs. 360/- per acre; Class VI—(a) Lands growing crops paddy or rabi—Rs. 150/- per acre (b) lands classed as *tanr*—Rs. 75/- per acre (c) waste land Rs. 50/- per acre.

(vi) Retrospective date: all transfers effected after the October 22, 1959 are to be reviewed.

IV. Gujarat

1. Gujarat Agricultural Lands Ceiling Act, 1960, as amended by the Gujarat Act 2 of 1974 lays down the following provisions:

(i) Level of ceiling: The level of ceiling for a family consisting of not more than five members is as follows: (a) perennially irrigated land—4.05 to 7.28 ha (10—18 acres) depending upon the class of land; (b) perennially irrigated land of private sources—5.06 to 7.28 ha (12.5 to 18 acres) depending upon the class of land, seasonally irrigated land—6.07 to 10.73 ha (15 to 27 acres) depending upon the class of land; (c) superior dry crop land and rice land—8.09 to 14.57 ha (20 to 36 acres) depending upon the class of land; (d) dry crop land—12.14 to 21.85 ha (30 to 54 acres) depending upon the class of land; (e) special drought areas—15.18 to 21.85 ha (37.5 to 54 acres) depending upon the class of land.

(ii) Definition of the term 'family': where a family or a joint family consists of more than five members, comprising a person and other five members, comprising a person and other members belonging to all or any of the following categories, namely (a) minor son, (b) widow of a pre-deceased son, (c) minor son or unmarried daughter of a pre-deceased son, where his or her mother is dead, such family shall be entitled to hold land in excess of the ceiling area to the extent of one-fifth of the ceiling area for each member in excess of five, so however that the total holding of the family does not exceed twice the ceiling area; and in such a case, in relation to the holding of such family, such area shall be deemed to be the ceiling area.

(iii) Unit of application : family/person.

(iv) Exemptions: exemptions have been provided on the lines of the suggestions made in the National Guidelines.

(v) Compensation for surplus land: compensation has been fixed on a sliding slab basis varying between 200 to 80 times the land revenue.

(vi) Retrospective date: January 24, 1971.

V. Haryana

1. The Haryana Ceiling on Land Holdings Act, 1972 as amended upto July 31, 1973, lays down the following important provisions:

(i) Level of Ceiling: for a family upto 5 members; (a) lands under assured irrigation capable of growing at least two crops in a year—7.25 ha; (b) land with assured irrigation capable of growing at least one crop in a year—10.9 ha; (c) lands of all other types including land under orchards—21.8 ha; (d) outer limit : twice the ceiling area.

(ii) Family means husband, wife and their minor children or any one or more of them.

(iii) Unit of application: family/person.

(iv) Exemption : mainly in line with the National Guidelines.

(v) Compensation for surplus land—to depend on the valuation of land: (a) for the first 10 ha Rs. 2000/- to Rs. 200/- per ha on a graded slab basis, (b) for the next 20 ha Rs. 1760/- to Rs. 160/- per ha on a graded slab basis; (c) for the remaining land from Rs. 1600/- to Rs. 150/- per ha on a graded slab basis.

(vi) Retrospective effect: January 24, 1971.

VI. Himachal Pradesh

1. The Himachal Pradesh Ceiling on Land Holdings Act, 1972 lays down the following major provisions:

(i) Level of Ceiling: for a family upto 5 members—(a) land with assured irrigation for two crops: 10 acres; (b) land with assured irrigation for one crop: 15 acres; (c) other lands including orchard: 30 acres; (d) other lands in certain specified area: 70 acres; (e) outer limit: twice the ceiling area.

(ii) Definition of the term 'family' : a family consists of husband, wife and upto three minor children.
(iii) Unit of application: family/person.
(iv) Exemptions: mainly in line with the National Guidelines. Lands belonging to primary cooperative societies are exempted.
(v) Compensation for surplus land is 95 times the land revenue (including cesses and rates) for surplus area upto 10 acres, (b) for surplus area from 11 acres to 30 acres—it is 75 times the land revenue (including cesses and rates); and (c) for the remaining surplus land it is 45 times the land revenue (including cesses and rates).
(vi) Retrospective date: January 24, 1971.

VII. Jammu and Kashmir

1. The Jammu and Kashmir Agrarian Reforms Act, 1972, provides the following measures:
(i) The ceiling area means the extent of land or orchards or both measuring 12.50 standard acres.
(ii) Family means husband, wife and their minor children.
(iii) Unit of application: family/individual.
(iv) Exemptions: orchards subject to payment of annual tax.
(iv) Compensation for surplus land: based on multiple of *'chakla'* rate fixed as the share of crop payable to the land owner on the basis of cadastral settlement. The multiple has been fixed at 20 times the *chakla* rate plus 5 times to cover administrative cost.
(vi) Retrospective date: September 1, 1971.

VIII. Karnataka

1. The Karnataka Land Reforms Act, 1961 as amended upto 1974 provides the following important measures:
(i) Level of ceiling : the ceiling area for a person, who is not a member of a family or who has no family or for a family, shall be ten units provided that in the case of a family consisting of more than five members the ceiling area shall be ten units plus an additional extent of two units for every member in excess of five, so however that the ceiling area shall not exceed twenty units in the aggregate. "Unit" means one acre of 'A' class land or an extent equivalent thereto consisting of one or more classes of other lands as specified in the schedule.
(ii) "Family" means (a) in the case of an individual the spouse or spouses and their minor sons and unmarried daughters, if any; (b) in the case of an individual who has no spouse, such individual and his or her minor sons and unmarried daughters; (c) in the case of an individual who is a divorced person and who has not remarried, such individual and his minor sons and unmarried daughters, whether in his custody or not, and (d) where an individual and his or her spouse are both dead, their minor sons and unmarried daughters.
(iii) Unit of application: family/person.

(iv) Exemptions : exemptions have been allowed to plantations (including pepper) and also to lands given as gallantry award. Other exemptions are in the lines of National Guidelines.

(v) Compensation for surplus land : the amount payable in respect of land to be taken over by the State Government shall be determined with reference to the net annual income derivable from the land in accordance with the following scales: (a) for the first sum of Rs. 8,000/- or any portion thereof of the net annual income from the land, fifteen times such sum or portion; (b) for the next sum of Rs. 5,000/-, 12 times such sum or portion; (c) for the balance of the net annual income from the land, ten times such balance.

(vi) Date of Retrospective effect: January 24, 1971.

IX. Kerala

1. The Kerala Land Reforms Act, 1963, as amended upto November, 1972 lays down the following main provisions:

(i) Ceiling limit: (a) for an individual adult unmarried person or a sole surviving member it is 6 to 7½ acres; (b) for a family of 2 to 5 members it is 10 standard acres or 12 to 15 acres; (c) for a family of more than 5 members it is 10 standard acres increased by one standard acre for each member in excess of five—12 to 20 acres and (d) in the case of any other person—10 standard acres—between 12 to 15 acres; and (e) outer limit is 20 acres.

(ii) Definition of family : family means husband, wife and their unmarried minor children.

(iii) Unit of application : family/person.

(iv) Exemptions : exemptions are mainly in line with the recommendations of the National Guidelines. However, plantations, private forests and land granted to defence personnel for gallantry are exempted.

(v) Compensation : much below the market value. Generally in the range of Rs. 200/- to Rs. 2000/- per acre. Garden land with arecanut plantation—Rs. 3000/- per acre.

(vi) Date of Retrospective effect: July 1, 1969.

X. Madhya Pradesh

1. The Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960, as amended upto 1974, lays down the following major provisions—

(i) Level of Ceiling: (a) Individual holder—10 standard acres; (b) family of 5 members—15 standard acres; (c) family of more than 5—18 standard acres; (1 standard acre=1 acre of perennially irrigated land=2 acres of seasonally irrigated land=3 acres of dry land), and outer limit=18 standard acres.

(ii) Definition of family: family means husband, wife and their minor children, if any.

(iii) Unit of application—family/person.

(iv) Exemptions: mainly in line with the National Guidelines. Land held by public trust or *wakf* for a religious purpose provided such

trust or *wakf* is registered and the entire income is appropriated for purposes of such trust or *wakf;* and land upto 5 acres used for orchard or mango grove forming a compact block of not less than such area as may be prescribed.

(v) Compensation for surplus land : graded on the basis of rate of land revenue per acre as given in Schedule No. 2. The amount of compensation payable per acre will vary from: fifty times the land revenue per acre subject to a minimum of Rs. 20 (in case of land whose land revenue per acre is Re. 1 or less) to 225 times plus 20 times the amount by which the land revenue per acre exceeds Rs. 6 (in case of land whose land revenue exceeds Rs. 6 per acre).

(vi) Retrospective date—January 24, 1971.

XI. Maharashtra

1. The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 as modified upto the April 15, 1971, lays down the following main provisions:

(i) Level of Ceiling—for a family upto 5 members is, for (a) Class I land—18 acres, (b) Class II land—27 acres, (c) Class III land—48 acres, or its equivalent plus one-sixth the ceiling limit per every member in excess of five, (d) outer limit—twice the ceiling area.

(ii) Definition of family—"family" includes a Hindu undivided family, and in the case of other persons, a group or unit the members of which by custom or usage, are joint in estate or possession or residence.

(iii) Unit of application—family/person.

(iv) Exemptions—mainly in line with the National Guidelines. Restrictions have been imposed on exemptions given to land, held before September 26, 1970, by public trust; and land held by persons for stud farms, *pinjrapole, gowshala* or breeding of cattle, sheep or pigs. Regimental farms approved by the State Government are also exempted.

(v) Compensation for surplus land—55 to 195 times the assessment per acre.

(vi) Retrospective date—the date of commencement of the Act.

The Act did not obtain the assent of the President as there were certain variations from the National Guidelines. It is understood that the Maharashtra State Government has very recently agreed to modify the Act in lines with the National Guide Lines.

XII. Orissa

1. The Orissa Land Reforms Act, 1960, as amended upto 1974, lays down the following main features:

(i) Level of Ceiling is that the ceiling area in respect of a person shall be two standard acres. Where the person is a family consisting of more than five members, the ceiling area shall be increased by two standard acres for each member in excess of five, so

however the ceiling area shall not exceed 18 standard acres alongwith three acres of homestead lands.

(ii) Definition of family—'family' means the individual, the husband or wife, and their children, whether major or minor, but does not include a major married son.

(iii) Unit of application—family/person.

(iv) Exemption—mainly in accordance with the National Guidelines.

(v) Compensation for the first 10 standard acres is Rs. 800/- per standard acre, for the next 10 standard acres—Rs. 600/- per standard acre; for the next 10 standard acres—Rs. 400/- per standard acre; for the rest—Rs. 200/- per standard acre; and for tanks, wells, trees and structures of a permanent nature—50 per cent of the market value.

(vi) Date of Retrospective effect—September 26, 1970.

XIII. Punjab

1. The Punjab Land Reforms Act, 1972, as amended by the Punjab Land Reforms (Amendment) Act, 1973, provides the following principal measures:

(i) Level of Ceiling—for a family of five is: (a) land under assured irrigation with 2 crops—7 ha; (b) land under assured irrigation with one crop—11 ha; (c) barani lands (including orchards)—20.5 ha; and (d) lands of other classes including banjar lands—21.8 ha.

(ii) Definition of Family: family in relation to a person means the person, the wife or husband and his or her minor children, other than a married minor daughter.

(iii) Unit of application: family/person. Where the number of family members exceeds five, the ceiling limit shall be increased by one-fifth of the permissible area for each member in excess of five subject to the condition that additional lands shall not be allowed for more than 3 such members.

(iv) Exemptions: exemptions provided on the lines laid down in the National Guidelines.

(v) Compensation for the first 3 ha of land is twelve times the fair rent subject to maximum of Rs. 5000/- per ha; for the next 3 ha—9 times the fair rent subject to maximum of Rs. 3750/- per ha and for the remaining land—six times the fair rent subject to a maximum of Rs. 2500/- per ha.

(vi) Date of Retrospective effect: January 24, 1971.

XIV. Rajasthan

1. The Rajasthan Imposition of Ceilings on Holdings Act, 1973, lays down the following main provisions:

(i) Level of Ceiling—for a family of not more than 5 members is as follows: (a) lands with assured irrigation capable of growing at least 2 crops in a year—18 acres; (b) lands with assured irrigation capable of growing at least one crop a year—27 acres; (c) land under orchards—54 acres; (d) lands other than land with irrigation facilities in the fertile zone—48 acres; (e) semi-fertile

zone and hilly zone in the specified district—54 acres; (f) land in semi-desert zone in the specified district—125 acres; (g) lands in desert zones—175 acres; and (h) where the number of members exceeds five, 1/5th of the ceiling area shall be permitted for each member in excess of 5 subjects to twice the ceiling area.

(ii) Family means the person, his wife and minor children.

(iii) Unit of application: family/person.

(iv) Exemptions: broadly in conformity with the National Guidelines.

(v) Compensation is to be paid as shown in the Table below:—

	For the first 7·5 acres of surplus land 12 times the fair rent subject to the maximum of—	For the next 7·5 acres of surplus land 9 times the fair rent subject to a maximum of—	For the remaining surplus land 6 times the fair rent subject to a maximum of—
	Per acre	Per acre Rs.	Per acre Rs.
1	nehri Rs. 1600	1400	1280
2	chahi Rs. 1000	880	800
3	dry (barani land)		
	(*i*) fertile zone Rs. 500	440	400
	(*ii*) semi fertile zone, (*iii*) hilly zone } Rs. 300	260	240
	(*iv*) semi desert zone Rs. 100	88	88
	(*v*) desert Zone Rs. 75	66	60

(vi) Date of Retrospective effect—September 26, 1970.

XV. Tamil Nadu

1. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as modified upto 1972 lays down the following main provisions:

(i) Level of ceiling: (a) for a family upto 5 members—15 standard acres. Outer limit for family of more than 5 members—30 standard acres; (b) for an affiliated college—40 standard acres; (c) for a high school—20 standard acres; (d) for an elementary school—10 standard acres; and (e) students hostel, polytechnic, agricultural school or orphanage—25 standard acres.

(ii) Definition of family—family in relation to a person means the person, the wife or the husband and their minor sons and unmarried daughters and minor grand sons and unmarried grand daughters whose father and mother are dead.

(iii) Unit of application—family.

(iv) Exemptions: mainly in line with National Guidelines. However, (a) commercial undertakings could apply for possession of land in excess of the ceiling, (b) land owned for gallantry award is exempted for the life time of the awardee.

(v) Compensation: according to the rates prescribed in the Schedule III and in multiples ranging from 12 to 9 times the net annual income.

(vi) Retrospective effect: transfers and sub-divisions, since the date of commencement of the Act and the publication of final statement about surplus area will be discharged *i.e.* 15th day of February, 1970.

XVI. Uttar Pradesh

1. The Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, as amended upto 1973, lays down the following main provisions:—

(i) Level of Ceiling—for a family of upto five members: (a) irrigated land—7.30 ha, (b) unirrigated land—10.95 ha, (c) grovelands—18.25 ha, (d) usar lands—18.25 ha, and (e) unirrigated lands in specified area—18.25 ha. The ceiling limit will be increased by 2 ha of irrigated land (or equivalent thereof) for each member exceeding five, each adult son of the tenure-holder subject to a maximum of 6 ha of such additional land. However, the ceiling limit for agricultural degree college is 20 ha, and for agricultural intermediate college is 12 ha of irrigated land.

(ii) Definition of family: family means himself or herself, and his wife or her husband, as the case may be, their minor sons and minor unmarried daughters.

(iii) Unit of application: family.

(iv) Exemptions: besides the exemptions as outlined in the National Guidelines, lands held by public, religious or charitable institutions from before May 1, 1959, lands held by registered *goshalas* upto the extent prescribed.

(v) Compensation for the *bhumidars* is 80 times the land revenue or 40 times the hereditary rate plus 20 times the difference between the hereditary rate and the land revenue for the *sirdars* and tenants with same rights is 20 times the hereditary rate plus 20 times the difference between the hereditary rate and the land revenue, and for the *asamis* and other tenants with permanent rights, it is 5 times the rent payable by him.

(vi) Date of Retrospective effect: January 24, 1971.

XVII. West Bengal

1. The level of ceiling which was 25 acres under the West Bengal Estates Acquisition Act, 1953, has been reduced under the West Bengal Land Reforms Act, 1955 as amended upto 1972. Main provisions of the West Bengal Land Reforms Act, 1955, as amended are as follows:—

(i) Level of Ceiling: (a) irrigated areas—12.4 acres, and (b) other areas—17.3 acres. Allowance has also been made for size of the family. The aggregate area of land for retention may be raised by 1.2 acres for each additional member in excess of five subject to an overall ceiling of 17.3 acres for irrigated area and 24 acres for other areas. In case of an adult unmarried person being sole surviving member of the family, the ceiling limit would be 6.2 acres in irrigated areas and 8.7 acres in other areas.

(ii) Definition of Family: the term 'family' includes husband, wife and their minor sons and unmarried daughters.

(iii) Unit of application: family/person.

(iv) Exemptions: lands owned by religious and charitable institutions have been brought within the purview of ceiling and no such institutions, corporations or trusts are permitted to retain land in excess of 17.3 acres in irrigated area and 24 acres in other areas. Orchards have also been brought within the ceiling limit. Orchard with an area upto 6.7 acres will not be taken into account in determining the ceiling limit. Where the land comprised in orchard exceeds this limit, the landowner can retain land comprised in orchard to the extent between 24 acres and 30.7 acres depending upon the size of the family by surrendering agricultural lands. Tanks have been kept outside the purview of the West Bengal Land Reforms Act, 1955.

(v) Compensation: 20 to 2 times the net income as a graded slab.

(vi) Date of Retrospective effect: August 7, 1969.

67

AGRARIAN STRUCTURE AND PERSPECTIVE

1 INTRODUCTION

67.1.1 The question of agrarian social structure is of pivotal significance to any discussion of the problem of reorganisation of agriculture. Agrarian social structure is conditioned essentially by the extent character of property structure on land, on the basis of which arise a net work of production relations which constitute the broad socio-economic framework within which production is carried on.

67.1.2 Property structure and the production relations arising therefrom exercise a decisive influence on production. A property structure which promotes parasitism, through multiform exploitation of one section of society by another and causes under utilisation of manpower and inefficient or inadequate use of land, tends to damage and depress production. On the other hand a property structure which is essentially egalitarian in character, providing opportunities for self development to all sections of producers and which ensures the maximum utilisation of both land and manpower, promotes production and raises the agrarian economy as a whole to higher levels.

2 PRE INDEPENDENCE AGRARIAN STRUCTURE

67.2.1 We have analysed in an earlier chapter the various systems of land tenure which governed agrarian society in different parts of the country under British rule. Suffice it to generalise here that the agrarian social structure as it developed under British rule presented a decadent semi-feudal order with wide ranging inequalities and multiform exploitation of the mass of cultivators. Feudal and semi-feudal property relations dominated that structure. There was a high degree of concentration of land ownership at the top not only

in the zamindari areas but also in the ryotwari areas, and a very large percentage of the actual tillers had either no proprietary rights in land or had very limited rights as tenant cultivators. The weight of a feudalistic type of landlordism in the property structure was firmly established, more so in the zamindari areas than in the ryotwari areas, but on the whole over the greater part of the country. Consequently extensive leasing out and leasing in of land was a major mode of production. The feudal and semi-feudal landowners did not constitute a homogeneous category. However, despite the economic, social, caste and cultural differentiations that existed amongst them, they maintained their collective class identity by a common pattern of exploitation of tenant cultivators, that is extraction of surplus in the form of rent. Their investment in land was very meagre.

67.2.2 Though feudal and semi-feudal relations dominated the agrarian scene yet peasant proprietorship constituted a big sector of agrarian economy at that time particularly in the ryotwari areas. The self cultivation peasant proprietors were also far from being a homogenous class. Differentiations based on size of holding, economic status and caste composition were widely prevalent amongst them. Nonetheless they developed their collective identity on the basis of a common mode of self employment on land. On the whole they constituted a social category distinct from the big landowners on the one hand and tenant cultivators on the other. As small and medium landowners, they had a depressed economic status as compared to feudal and semi-feudal landlords who enjoyed all the status of the most privileged class in rural society.

67.2.3 Under British rule, agricultural labour as a class composed of persons, divorced from land ownership and dependent for their livelihood mainly on field labour, did not register much growth. Widespread prevalence of tenancy, and subsistence farming and general under development of commercialised agriculture tended to keep even the lowest strata of cultivators tied down to land and obstructed the numerical growth of landless agricultural workers, as also the development of an independent labour market in the country side. It can thus be stated that the agrarian social structure which developed under the British tended to perpetuate a backward and medieval type of agriculture which kept Indian agrarian economy in a state of stagnation for decades. In fact it can be said that the agrarian society of that period was so structured as to impede the development of forces of production, and in particular, the productive capacity and enterprise of the great bulk of farmers.

3 EMERGING AGRARIAN STRUCTURE

67.3.1 Against this background one has to take note of the direction and content of the change in the agrarian social structure that has come about since Independence. The essence of the present situation is that Indian agriculture is in a stage of transition from a predominantly semi-feudal oriented agriculture characterised by large scale leasing out of land and subsistence farming to a commercialised agriculture increasingly assuming the character of market oriented farming. The salient features of this transition are as follows:

(i) The feudal and semi-feudal land owning classes have lost their erstwhile domination over Indian agrarian economy as a whole, though remnants of semi-feudal socio-economic relations, such as sharecropping, exaction of high rents, usury, economic bondage or servitude, eviction of tenants, social and caste oppression etc. still prevail in various parts of the country. The decline in the semi-feudalistic production relations has followed the rapid growth of commercialisation of agriculture and the development of money commodity relations in all sectors of agricultural economy.

(ii) Accompanying the decline in the feudalistic type of landed property, there has been a marked fall in the operated area leased in, that is from 35.70 per cent in 1950-51 to 10.70 per cent in 1961-62 (vide Appendix 67.1). If the State-wise figures are taken into account, it will appear that the decline in tenant operated area is a common phenomenon in all the States. This decline is much more due to resumption of land by the landowners, ostensibly for the purpose of 'personal cultivation' than to acquisition of ownership rights by the former tenants under tenancy reforms. Another significant fact is that the smaller tenants were the main targets of eviction but that evictions in areas of absentee landlordism were less widespread than in the areas where the landlords resided in the villages. Although the above noted figures do not reveal the area under concealed or illegal tenancy, which is quite sizable in many States yet it cannot be gainsaid that the general trend among all sections of rural society is towards self cultivation.

(iii) Studies made by the National Sample Survey reveal that 64.22 per cent and 84.08 per cent of operational hold-

ings which reported leased in area were in the size groups of upto 5 acres (2.02 ha) and upto 10 acres (4.05 ha) respectively. But the share of each of these groups in the total leased in area was only 26.78 per cent and 49.52 per cent respectively. At the other end, the percentage of operational holdings in the over 10 acres (4.05 ha) size group reported leased in area was only 15.92 per cent but the share of this group in the total leased in area was as high as 50.48 per cent revealing heavy concentration of leased in area among the bigger cultivators (*vide* Appendices 67.2 and 67.3).

Leasing in and Leasing out

67.3.2 This indicates the emergence and growth of a new type of tenancy, which may be called commercial tenancy, which is now becoming a noteworthy feature of the agrarian economy. Under commercial tenancy, as distinct from the semi-feudal subsistence tenancy leasing in of land by the larger landowners from the small farmers takes place and such tenancy prevails more in areas where agriculture is technologically more developed. It is common in Punjab and other areas where the impact of the "green revolution" has been appreciable. It is almost absent in the eastern region of the country, where agriculture is far less developed and where the old type of tenancy still persists. This contrast is well reflected by the data as furnished in Appendices 67.4 and 67.5 which show that small tenants cultivating less than 5 acres (2.02 ha) hold about 58 per cent of the total leased in area in West Bengal and at the other end big tenants cultivating above 10 acres (4.05 ha) hold only 12.55 per cent of the total leased in area. In Punjab, on the other hand, small tenants operating less than 5 acres (2.02 ha) hold only 8 per cent of the total leased in area while big tenants operating more than 10 acres (4.05 ha) hold about 71 per cent of the total leased in area. Thus, while in West Bengal leasing out by big to the small owners continues, in Punjab leasing out by the small to the higher size groups has become an important feature of agricultural tenancy. Some studies also reveal that even in West Bengal the old type of tenancy has begun to decline and a shift to commercial tenancy is taking place, though at a much slower pace.

67.3.3 The second important feature of the changing agricultural structure in India is the emergence during the last two decades or so of a class of modern entrepreneur farmers, who are substantial

land holders and cultivate their lands through hired labour and with new technique. This class of farmers has grown notably in certain well defined areas where material factors are favourable for modernised cultivation. They are drawn largely from the ranks of ex semi-feudal landlords, upper strata of privileged tenants and the bigger ryots, money lenders and merchants and various other categories of substantial landowners.

67.3.4 Growing commercialisation of agriculture and rise in agricultural prices as also improvement in technique have strengthened the economic position of this class of big farmers, who have also been the main beneficiaries of governmental expenditure on agricultural development. They have to a large extent dominated and controlled credit institutions. It is this class which has been treated as the main custodian of the "green revolution".

67.3.5 The third major feature of emerging pattern of socio-economic relations in India is the persistence of the numerical weight of petty peasant proprietors, who contribute the bulk of labour force needed for agriculture. This mass of small and marginal peasants along with a sizable number of middle peasants constitute the vast base of Indian agriculture, giving Indian agrarian economy the general character of a petty peasant proprietor economy. This big mass of petty peasant proprietors has grown over the last few decades under the impact of various influences, including the decay of semi-feudal relations, growth of commodity production and development of market economy, changes in proprietary rights as a result of land reforms etc. This class of peasant proprietors is becoming more and more market oriented and has developed powerful urges for adopting better methods of cultivation and for securing more inputs, credit and irrigation facilities. As a class or a category of small and medium cultivators who have not much weight or social influence in rural society, they have hitherto failed to secure adequate means to improve their methods of cultivation.

67.3.6 The biggest obstacle in the path of development of this great mass of peasant proprietors is the paucity of land in their possession. They dominate the agrarian scene numerically but their weight in the property structure is far less. In fact one of the negative features of agrarian transition in India is the continued concentration of land in the hands of the upper strata of rural society. Agricultural property structure has not yet undergone any radical change, corresponding to change in methods and modes of production and technological improvements which have created big prospects of more intensive and remunerative cultivation. The various ceiling laws

have not yet reduced, in any appreciable measure, the prevailing concentration of land ownership at the top. The "green revolution", with all its positive aspects has in a way enhanced the disparities in property ownership which exist in Indian villages.

Concentration of Land Holdings

67.3.7 Concentration of land has not undergone any perceptible change during the last two decades. The Eighth and Seventeenth rounds of National Sample Survey (NSS) data, as shown in Appendix 67.6 provide comparable figures for ownership-holding and leased area.

67.3.8 The Eighth round of NEE shows that 74.21 per cent of households owning only 16.77 per cent of the area belonged to the size group below 5 acres (2.02 ha). The corresponding figures according to the Seventeenth round were 71.95 per cent and 19.99 per cent respectively. At the other end of the scale, 2.64 per cent of households owning 28.05 per cent of area belonged to the size groups above 30 acres (12.14 ha) as revealed in the data of the Eighth round. The corresponding figures according to the Seventeenth round were 2.25 per cent and 22.91 per cent respectively. As regards operational holdings, holdings below 5 acres (.42 ha) in size were 70.71 per cent in number accountin for 16.79 per cent of the area operated according to the Eighth round. The same size group in the Seventeenth round accounted for 61.69 per cent of the holdings and 19.18 per cent of the area. The holdings above 30 acres (12.14 ha) in size accounted for 2.72 per cent of the households and 27.19 per cent of the area according to the Eighth round. The corresponding figures according to the Seventeenth round were 3.21 per cent and 23.65 per cent.

67.3.9 The Agricultural Census 1970-71 has furnished some relevant data. But its methodology prima facie differs from that of the National Sample Survey and as such the two sets of data may not be comparable. The data regarding operational holdings in the Agricultural Census 1970-71 have been regrouped as under:

(i) below one hectare	—marginal holdings.
(ii) one to two hectares	—small holdings.
(iii) two to four hectares	—semi medium holdings.
(iv) four to ten hectares	—medium holdings.
(v) ten hectares and above	—large holdings.

67.3.10 The Agricultural Census data reveal that the marginal holdings (upto one hectare size) account for 51 per cent of the

holdings of the country operating only 9 per cent of the area. The marginal and small holdings taken together account for 70 per cent of the total holdings and the area operated by this size group is only 21 per cent. The semi-medium holdings constitute 15 per cent of the total holdings accounting for 18.5 per cent of the operated area. Medium sized holdings account for 11 per cent of the total holdings with 30 per cent of the total area. Lastly, the large holdings constitute hardly 4 per cent of the total holdings but the area operated by them comes to 30.5 per cent. Appendix 67.7 shows the absolute number and area of operational holdings of different size groups and percentage distribution of operational holdings and operated area in different size groups.

67.3.11 Thus as many as 69.6 per cent of operational holdings within the size group upto 2 hectares cover only 20.9 per cent of land. On the other hand 15.2 per cent of operational holdings of the size groups of 4 hectares and above command as much as 60.6 per cent of the operational area. The concentration of land in the hands of the more affluent farmers therefore continues to be intact as will be evident from the Table 67.1 below:

TABLE 67.1

Distribution on the Number of Operational Holdings and Area Operated 1970-71[1]

Size of operational holding (ha)	Number of operational holdings		Area operated	
	('000)	Per cent	('000 ha)	Per cent
1	2	3	4	5
less than 1	35,682	50.6	14,545	9.0
1.0—2.0	13,432	19.0	19 282	11.9
2.0—4.0	10,681	15.2	29,999	18.5
4.0—10.0	7,932	11.3	48,234	29.7
10.0 and above	2,766	3.9	50,064	30.9
all sizes	70,493	100.0	162,124	100.0

67.3.12 So far as leasing in of land is concerned, the All India Report on Agricultural Census, 1970-71 indicates that tenancy being a sensitive subject, land records may not reflect the position as it exists. Doubts have been expressed in certain quarters that land records do not give accurate information about the tenancy position.

[1]All India Report on Agricultural Census, 1970-71, P. 26 : New Delhi Ministry of Agriculture and Irrigation Government of India.

The Report further states that although steps were taken to bring the records up to date in regard to tenancy, it is possible that oral leases might not have been recorded. The data given by the Agricultural Census 1970-71 on Distribution of Holdings according to Tenancy Status are furnished in Appendix 67.8. An analysis of the data reveals that of the holdings taken wholly on rent 70.12 per cent of the holdings upto the size group of 2 ha leased in only 36.91 per cent of area, while 7.48 per cent of holdings of the size group 4 ha and above covered 40.03 per cent of the leased in area. Of the partly owned and partly tenanted category, 53.06 per cent of holdings of the size group upto 2 ha covered 14.37 per cent of area while 25.08 per cent of the holdings of the size group 4 ha and above commanded 68.29 per cent of land. Leasing in by the affluent farmers is, therefore, still a predominant phenomenon.

67.3.13 Another outstanding development in Indian agrarian structure during the last two decades or so is the rapid growth in the number of agricultural labourers who are largely landless and are dependent for their livelihood mainly on the sale of their labour power. This class on a rough estimate constitutes about 30 per cent of the agricultural population in the country and contributes about 40 per cent of the labour force needed for agriculture. The bulk of this class is drawn either from those small or tiny peasants who have been uprooted from the soil due to various economic or non-economic compulsions, or from the class of semi-feudal tenants, subtenants, sharecroppers, etc. who have been denied any right in land and therefore compelled to sell their labour power under adverse conditions.

67.3.14 A small section of this class still owns tiny plots of land but even these they are continuing to lose because of economic compunctions. It is only a small percentage of this class which is actually employed on big modernised farms because of the limited number of such farms and the relatively small employment potential provided by them. The great bulk of agricultural workers are employed as casual labourers in or around their own villages on the holdings of bigger landowners, rich and middle peasants and for certain operations even on the holdings of small peasants. A section of them leases in tiny plots of land from bigger landowners and works partly as sharecroppers. A sizable section of this class is still subject to various types of economic bondage and social oppression. The features of Indian agrarian economy reveal the existence of three distinct sectors of Indian agriculture, co-existing but also contending with each other.

67.3.15 The first sector, which is the youngest of the three, is the developed sector of modern entrepreneur farming. It comprises the area under self-cultivation by big modern farmers as also the area cultivated by sections of rich peasants who are resorting to new methods and techniques. This sector is based primarily on the capitalist mode of production, with employment of wage labour, investment of capital, use of machinery and scientific inputs for the purpose of commodity production, and the landowner plays the role of an entrepreneur as in industry. This sector is the main beneficiary of governmental plans and projects for agricultural development and exercises a considerable measure of influence and control over agricultural prices. The green revolution represents a high water mark of this sector. It is, however, necessary to note that even this sector cannot be called a "pure" capitalist sector, inasmuch as those who dominate it, excepting a small section, combine capitalist forms of production with various remnants of pre-capitalist forms, such as leasing out parts of their land on rent, sharecropping, lending money and grain on usurious rates, etc. In fact, the capitalist sector in Indian agriculture is in varying stages of development and it still retains certain birth marks of pro-capitalist modes of production.

67.3.16 The second sector comprises the area under self-cultivation by marginal small and medium land-owning peasants who have developed out of the old ryotwari or zamindari systems of land tenure having acquired ownership rights under provisions of various land reform laws. In this sector production is based primarily on family labour, though the upper strata of this sector occasionally hire in agricultural labour for certain limited processes while the lower strata hire themselves out often as agricultural labourers. Thus, this sector is composed of self-employed peasants whose production, though market oriented, is still primarily for family consumption and is therefore largely in the orbit of subsistence economy. This sector is generally ignored in the matter of State aid and has derived only marginal benefits from the green revolution. It has hardly any capital resource of its own and is largely in the grip of usurious moneylenders and gets meagre benefits from institutional credit agencies. Moreover, this sector is the worst victim of price oscillations and is obliged to resort to distress sales of its produce. It would be no exaggeration to state that this peasant sector which comprises numerically the overwhelming majority of owner-cultivators and covers the largest area under any single mode of farming is generally speaking in a state of semi stagnation.

67.3.17 The third sector is that which is still mainly under the domination of feudal or semi-feudal landlordism. This sector is the oldest of the three, and is in a state of disintegration and decay. It is composed of vast areas of land under cultivation by sharecroppers and various other kinds of tenants and sub-tenants who have no proprietary rights in land, no security of tenure, no share in the various aids and inputs distributed by the State and who are still subject to various forms of feudal and semi-feudal exploitation such as rack-renting, usury, bondage and caste and social oppression.

67.3.18 The present-day agrarian economy of India represents a transient and unstable equilibrium between these three sectors which are in a state of constant competition and conflict with one another.

4 FUTURE COURSE OF DEVELOPMENT

67.4.1 The question of the future structure of Indian agrarian economy and the path of its development is a matter of primary concern not only for the peasant and agricultural workers, but for the entire nation. It is a question affecting the future of the entire national economy.

67.4.2 Historically three alternative paths of development are posed before Indian agriculture. They are :

(i) development on the lines of modern large scale capitalist type of farming as is prevalent in USA and some of the West European countries;

(ii) development on the lines of cooperative and collective farming with no private ownership in land as is prevalent in USSR and other socialist countries; and

(iii) development essentially as a peasant proprietor economy based on private ownership in land supplemented by co-operative and collective enterprise and institutions.

We shall examine here briefly the objective possibilities of these three alternatives before Indian agriculture.

67.4.3 The first alternative, that is, large scale mechanised capitalistic farming has, under the present socio-economic set-up, very limited scope for development. There are various constraints which make it virtually impossible for Indian agriculture to tread that path. The comparatively underdeveloped character of Indian economy as a whole imposes serious restrictions on such a course of development.

67.4.4 The money-commodity relation or what may be described as production for the market, which constitutes the essential basis for

capitalist type of production, is inadequately developed in India. Nor is it likely to develop very rapidly in future under the present socio-economic set-up in the countryside. The overwhelming majority of the landowning peasants have a deficit economy. In addition to that they are overburdened with heavy usurious debts which eat up a good part of their annual product often leaving them not enough even for family consumption.

67.4.5 Despite all the commercialisation of agriculture that has been going apace, nearly 60 per cent of the total agricultural produce is still for direct consumption and only about 40 per cent goes to the market. Major part of this 60 per cent is consumed by small peasant producers and the bulk of the marketable surplus comes from the sector under big landowners and rich peasants. The proportion of the marketed produce is low enough, but what is even more significant is the fact that there is considerable gap between the value of the produce which ultimately goes to the market and the money fund that ultimately comes back to the producers' sector in the villages. Out of the total value of his product, the peasant has to discharge his liabilities in respect of interest, rent, taxes, etc. Evidently therefore capital accumulation in the villages is very meagre. It can be said that nearly 80 per cent of the agricultural households have no savings worth the name for investment. Of the remaining 20 per cent of the households, about 15 per cent who constitute rich and middle peasants, have precarious savings dependent on the correlation of production and prices every year. Their contribution to the total capital resources generated in agriculture is small. The remaining 5 per cent of the rural households who belong to the bigger landowning classes, and especially those who have resorted to modern methods of production, have considerable savings, but not all of their savings are canalised into the agricultural reproductive sector. A good part of it is not being used for agricultural production but is being diverted to non-agricultural purposes in the urban sector.

67.4.6 Thus, of the total capital resources generated in agriculture, which in absolute terms are themselves meagre, only a small fraction is ploughed back into the reproductive sector of agriculture. The innumerable small and marginal farmers whose economy has to be improved rapidly need considerable capital investment. The diversion of funds to develop large scale mechanised farming which does not take into account the requirements of the vast multitude of the rural population is neither socially justified nor economically sound.

67.4.7 A still more difficult and extremely complicated socio economic problem is as to how the land is to be "cleared up" for largescale modern farming in India. The clearing up can be done either by normal processes of small owners being ousted by big landowners through economic competition or by non-economic methods of subjugation, coercion, forcible ejectments, etc. of the former, for the purpose of carving out large farms. Neither of these two courses of action is feasible or desirable under Indian conditions, where there is an extremely heavy population pressure on agriculture. Besides, there is an alarmingly large size of land hungry and landless peasantry which is living under conditions of chronic unemployment and underemployment. As indicated earlier, the entire agricultural economy in India is numerically dominated by small and marginal peasant proprietors. Under this socio-economic set-up it is very difficult to "clear up" land for developing big capitalistic farming as was done earlier in certain countries of Europe.

67.4.8. The second alternative posed before Indian agriculture namely that of developing on the lines of total cooperative and collective farming is also subject to serious limitations of a socio-economic and political nature in India today. It is true that in an agrarian economy dominated numerically by poor and marginal farmers, the principle of cooperation can and should be applied to agriculture on the basis of well defined priorities particularly for the purpose of unleashing and promoting the production enterprise of small landholders. But this does not mean that the entire agrarian structure has to be geared up to the exigencies of a total and absolute cooperative and collective system. Historically speaking such a system has emerged out of social and political revolutions which have transformed the entire national economy in the direction of socialised ownership of property and productive resources. Such revolutions have been invariably accompanied by the establishment of a power structure which has ensured the maintenance and continuance of socialised property and production relations based on it. A transformation of this nature stipulates far reaching changes in the psychology and attitudes of the property owning peasantry regarding private ownership and enterprise.

67.4.9 The socio-economic and political conditions as they exist today in India are yet far from having attained that stage of development. Nor can we visualise the possibility of a material and mental transformation of this nature in the foreseeable future.

67.4.10 Under these conditions while it would be helpful to introduce and apply the cooperative principle to certain well defined areas of agricultural enterprise, it would not be correct to try to impose the system of cooperative and collective farming on the entire range of agricultural production. Any such attempt may dislocate the existing processes of agriculture without creating the sanctions for the emergence of a better agrarian set-up.

67.4.11 It would no doubt help production if the principle of cooperation is applied on a big scale for providing certain essential services to the mass of peasants such as irrigation, mechanisation, supply of inputs, credit, marketing, etc. In this respect the process of cooperation should be developed from the base upwards, priority being given to the requirements of the poor, marginal and middle peasants. In fact it can be said that the expansion of cooperative service is a key requisite for increasing production potential at the grass root level. A concerted national drive for this purpose with adequate financial resources to support it would go a long way towards regenerating Indian agriculture.

67.4.12 Cooperative farming by small and middle peasants, done voluntarily, should be adequately helped and encouraged. It should particularly be promoted in areas where landless and marginal farmers are settled on newly colonised lands or on blocks of surplus land released after the imposition of ceiling on land holdings.

67.4.13 State farms would be the proper type of organisation for large tracts of land reclaimed and brought under specialised types of cultivation in low population density areas. They should specially be developed as large seed farms, cattle breeding farms, plantations and other specialised farms. The role of the State farms and mechanised farms will be two-fold; *viz.* (a) engaging themselves in innovative enterprises, and (b) producing crops which require heavy investment outlays and have long gestation period. Plantation crops come under this category.

67.4.14 The third alternative before Indian Agriculture is to develop as a strong and well balanced peasant proprietorship, strengthened and supplemented by cooperative and joint enterprises in specific areas of production. This course of development is the most desirable and has to be consciously planned and promoted. The policy should be to establish an agrarian system in which the immense labour power of self-employed peasantry is fully utilised for agricultural growth. It is now a recognised fact that given the necessary conditions, small farms are no less efficient than large

farms. In fact quite often their returns are higher. Besides, labour productivity in big mechanised farms is generally lower than in small peasant farms. Recent farm management studies in different parts of the country corraborate this finding.

67.4.15 Although the self-employed peasantry constitutes the backbone of the present agrarian structure and provides a vast reservoir of labour power, the structure as a whole is weak and unstable because of a serious imbalance between distribution of landed property and labour power. This imbalance has to be radically corrected through the proper enforcement of various land reform laws and such economic development measures as would strengthen the economic position of the vast mass of working peasantry and thereby ensure a balanced and stable growth of the entire agrarian economy.

67.4.16 In terms of policies and institutional changes the development of a healthy and growing structure of peasant proprietorship necessitates the following measures:

(i) Firstly, all remnants of feudal and semi-feudal land relationships should be abolished. This question is intimately connected with the persistence of relations of domination and subjugation inherited from the past and the fact that a large area of land is still in the hands of semi-feudal landlords who continue to exploit the working peasantry in the traditional ways such as sharecropping, rack-renting, evictions, wage bondage, usury, caste and social oppression, etc. In many regions the excessive pressure of population on land, economic backwardness, absence of other avenues of employment, meagre development of modern agriculture lack of industries, etc. are helping the contionued persistence of semi-feudal relations. The real solution of this problm lies in the breaking up of feudal and semi-feudal landed estates which are still being maintained by various illegal devices. This necessitates the effective enforcmnt of ceiling laws and distribution of the surplus amongst the landless labourers and marginal farmers.

(ii) Secondly, it calls for the adoption of firm positive measures to prevent the future accumulation of landed property in the hands of the rural rich.

(iii) Thirdly, it requires the implementation on a countrywide scale of such plans, projects and programmes of agricultural development as would promote to the full, the pro-

duction initiative and capacity of the mass of tillers of the soil, by providing them with cheap,a dequate and timely credit, proper irrigation, necessary fertilisers, high-yielding seeds, modern implements and all other inputs for efficient intensive cultivation. This can be done in various ways including cooperative enterprise.

(iv) Fourthly, it calls for a radical transformation of the structure of the agrarian market with such controls as would ensure a remunerative and stable price tothe producer and protect him from exploitation by merchant capital through price manipulations.

5 RECOMMENDED STRUCTURE

67.5.1 The basic objectives of a programme of land reforms in India should be to break up the traditional stranglehold of the big landed interests, to abolish parasitism on land to put an end to the landlord tenant nexus which is at the root of many socio-economic evils in the agricultural sector, to strengthen the overall economic position of the mass of peasant producers and to create sanctions for the development of a healthy and dynamic agrarian society. To this end, the existing scheme of land reforms shall have to be amended and reoriented in the following direction.

Tenancy Reforms

67.5.2 In view of the fact that the scheme of land reforms is committed to the principle of abolition of intermediary interests, the idea of continuance of tenancy under a private owner is anomalous. The private owner who rents out land today is undoubtedly an intermediary and as such does not fit into the fundamental pattern of land reforms. It is, therefore, high time that tenancy reforms should be directed towards the stage of finally breaking up the landlord tenant nexus.

67.5.3 Absentee landlordism which is a source of parasitism in agriculture should be discouraged and ultimately curbed. Agriculture should be treated as a family occupation of the peasant cultivator and not as a source of subsidiary unearned income. In a normal peasant-proprietor economy absentee landlordism should find no place.

67.5.4 It is generally accepted in principle that there should be no leasing out or leasing in of land. The breaking up of the landlord tenant nexus, however, shall have to be done with certain qualifications. Under the present man-land ratio existing in India, tenancy as such cannot be totally banned. Experience has shown that wherever such an overall ban has been imposed, it has led to the emergence of concealed tenancy with all its attendant evils. Hence, until such time as socio-economic development in the country brings about a radical change in man-land ratio and creates possibilities of transfer of population from the agricultural to non-agricultural sectors on a big scale, tenancy shall have to be permitted in a restricted form and shall have to be strictly controlled and regulated.

67.5.5 Leasing out of land should be permitted only in the cases of marginal farmers as defined in various governmental assistance programmes. The period of lease should not be less than three years at a time, renewable with mutual consent. The lease in every case should be written and the landowner should be obliged by law to give rent receipt. Landowners in no case should be allowed to resume land before the expiry of the lease and eviction of tenant from land during the lease period should be prohibited by law. Redress of any grievance of the landowner should be through the court of law by means other than the eviction of tenant from land. In case of any eviction, the onus of proof should lie on the landowner.

67.5.6 All tenants of landowners excepting such landowners as possess land upto a marginal holding, should be vested with proprietary rights and simultaneously declared *ipso facto* owners on a date to be specified by the State Governments; provided that disabled persons, minors, widows and army personnel are given some concession, the nature of which may be decided by State Governments. This provision shall not apply to those cases where a bigger landowner has leased in land from a smaller landowner.

67.5.7 Leasing in of land by big landowners from small landowners should be discouraged. In any case ceiling limits should be made applicable to operational holdings as has been done in the case of ownership holdings.

67.5.8 The evil effects of the right of resumption have been noted earlier. In some of the States, the time limit for the right of resumption has expired and the right has ceased. But in some regions it is still continuing. It is necessary that excepting in the

case of marginal farmers the continuing right of resumption should be annulled forthwith.

67.5.9 Concealed tenancy should be detected during the annual checking of the fields, preferably with the cooperation of the local land reform committees. In case of concealed tenancy where a landlord tenant nexus is clearly established, the tenant should be recorded as an occupancy tenant.

67.5.10 Sharecroppers who have hitherto not been treated as tenants should be recognised and recorded as tenants and given all due protection as such.

67.5.11 'Voluntary surrenders' have generally been used to cover up forcible and illegal eviction of tenants. Such surrenders should not be accepted as valid unless they are certified as genuine by an appropriate authority. Even in the case of a genuine surrender, the land surrendered should not revert to the landowner but should vest in the State to be allotted to any other eligible person.

67.5.12 The definition of 'personal cultivation' which has hitherto enabled the landowner to exercise the right of resumption, should be changed in a manner as to prevent absentee landowner to exercise the right of resumption under that garb.

67.5.13 Despite the fixation of rent in most States on the lines recommended under various plans, higher rents still prevail in many parts of the country. Such rents should be curbed and controlled through the intervention of local revenue authorities and the system of issuing rent receipts should be strictly enforced. The tenant should be entitled to remit their rents through moneyorders or to deposit them in tehsil courts.

67.5.14 The prices at which tenants have been given the option to purchase ownership rights, have been, on the whole, on the higher side, with the result that in several States, the number of tenants who could actually purchase the ownership right fell far short of the total eligible persons. This was due primarily to their inability to pay the purchase price. It is essential that the purchase price should be reasonable and wherever higher rates prevail, the prices should be levelled down. In any case, the price should be much below the market price. The tenant should be helped by the State to purchase ownership right with credit given either directly by the Government or by financial institutions.

67.5.15 Tenancy legislation cannot be properly implemented under conditions where there are either no land records or where the existing records are highly defective. Therefore, it is imperative that the preparation of land records should be given the top most priority

in the whole scheme of enforcement of land reforms. Tenants, tenants-at-will and sharecroppers should be promptly and properly identified and their names recorded forthwith. Proper administrative machinery should be established to keep the records up-to-date. Pass books showing the status, land ownership, rights in land and other particulars of each cultivator should be issued to him by the local land revenue authority for use as an official and permanent record.

67.5.16 In view of the fact that a large number of tenants have been evicted during the last few years, in anticipation of the new land reform measures some administrative machinery should be established to consider the appeals of evicted tenants for reinstatement. The example of Batai Disputes Boards of Bihar can provide the administrative pattern for this purpose.

Ceiling on Land Holdings

67.5.17 The provisions of the earlier ceiling laws did not make any appreciable dent in the concentration of land ownership. The new ceiling laws enacted as per 'National Guidelines' are devised to achieve the objective of substantially reducing the present inequalities in land holdings. It is now necessary that the present ceiling legislation should be enforced effectively and with despatch. The present ceiling limits are adequate from all considerations. Any attempt to lower the ceilings further may create uncertainties in the minds of middle and big farmers which may undermine production. The present ceiling limits should be deemed to have been laid down on a long-term basis and should not be disturbed for a sufficiently long period to encourage investment in land and production in agriculture.

67.5.18 It is, however, necessary to take firm measures against fictitious and *benami* transfers which have been deliberately effected by big landowners during the last few years in order to circumvent ceiling legislation. To this end the following measures are recommended.

67.5.19 Where it is detected that any big landowner has deliberately indulged in illegal and *benami* transfers in anticipation of ceiling legislation the State Govrnment should hold a proper enquiry into such transfers with the assistance of popular land reforms committees. If on enquiry it is found that the transfers were made purposely to evade the provisions of ceiling laws, the land so transferred should be vested in the State after the imposition of some penalty on the transferor.

67.5.20 Where there is *prima facie* evidence that fictitious co-operative farming societies have been organised with a view to concealing the surplus land, such cooperatives should be subjected to proper investigation and enquiry.

67.5.21 Where many partners have been shown in a holding, but the holding as a whole is under single management, such cases also should be carefully scrutinised in order to find out whether the partners concerned are real or fictitious.

67.5.22 In regard to exemptions, there is a case for the continuance of exemption for existing plantations in respect of the actual area planted with a margin for replacement plantings. But plantations should be defined clearly so that in the name of plantations agricultural and forest land interspersed within the boundaries of the area which is utilised for other purposes or kept fallow does not escape the provisions of the law. Land held by agricultural universities or agricultural research centres should also be exempted from the operation of ceiling laws.

67.5.23 There are many water tanks particularly in the eastern region of the country to which ceiling laws do not apply and the State Government exercise no control over them. These tanks are not being used properly either for irrigation or for pisciculture. It is essential that the Government should take control of these tanks for proper utilisation of water for irrigation or pisciculture, as the case may be.

67.5.24 In regard to land held by trusts or institutions used for religious, charitable or educational purposes, it would not be proper to give them a blanket exemption because a large number of such institutions and trusts are fictitious or have been deliberately created to evade ceiling laws. Some of them are not being used for the purpose which on paper they profess to serve. It is advisable that arable lands held by such trusts and endowments should be brought under the ceiling laws. Furthermore, ceilings should also be made applicable to forests and water areas held by such institutions. In the case of *bonafide* institutions, which may suffer seriously because of ceiling limits, adequate financial arrangements should be made by State Governments in the form of annuities for their continued functioning.

67.5.25 Consolidation of holdings has often led to large scale eviction of insecure tenants. Land reforms should therefore precede consolidation of holdings to protect the interest of tenants and sharecroppers.

Distribution of Surplus Land

67.5.26 The most important objective of fixation of ceiling on land holding is to distribute the surplus land. Opinions differ as to whether priority should be given to landless labour or to small peasants owning less land than a minimum holding in order to make such holdings viable. There is enough force in the argument that it is not only important to fix a ceiling on land holdings, but it is also important to fix a floor so that as many peasants as possible have at least a small operational holding. However, in the conditions of Indian agrarian economy today, certain fundamental realities have to be borne in mind, namely, (a) massive landlessness; (b) serious lack of employment possibilities; and (c) the subsistence of almost half of the rural population below the poverty line. Implementation of a workable floor either on individual ownership or individual holding is more difficult than implementation of ceiling in view of the much larger numbers involved to whom land, however small in extent, is a source of employment and relief from destitution. Hence for a long time to come a floor on ownership cannot be applied. In the distribution of surplus land it becomes imperative, therefore, to give priority to the landless agricultural population, particularly belonging to Harijan, Tribal and other backward communities. The aim in this respect should be to provide the largest number of landless people dependent on agriculture with a small piece of land for subsistence. The small owners who get together for joint farming should be given preferential assistance by the State.

67.5.27 It is furthermore recommended that in the matter of distribution of surplus land, first priority should be given to those landless persons who, in any capacity, are already tilling that land. In the process of implementation of ceiling and demarcation of surplus land, the interests of the existing tenants should be duly safeguarded. The protection already enjoyed by the tenants through the existing law should not be allowed to be disturbed or taken away.

67.5.28 Where such surplus land is available in large blocks, the allotment of land to cooperative societies consisting of eligible beneficiaries as defined above should be encouraged.

67.5.29 The surplus land should be allotted to the beneficiaries on the specific condition that they would not be permitted to sell or mortgage those lands to any private individual. If at any time a beneficiary wants to leave the profession of cultivation, the land held

by him would revert to the Government. The beneficiaries should enjoy permanent and heritable rights in the lands concerned.

67.5.30 The State Government should also set up special institutions through which adequate credit and other inputs should be made available to the allottees for the development of the assigned lands.

Legal Hurdles

67.5.31 The inclusion of land legislation in Schedule IX of the Constitution has undoubtedly curtailed prolonged litigation and consequent undue delays in the enforcement of ceiling legislation.

67.5.32 From a perusal of the reports already received from the States, it appears that the following points recur in a large number of Writ Petitions:

(i) The provisions of the ceiling laws are inconsistent with those of Articles 14, 19 and 31 of the Constitution.

(ii) There is alleged discrimination contemplated under the laws between the major sons and the minor sons as well as major daughters, unmarried minor daughters.

(iii) There is arbitrariness in the definition of the word 'family'.

(iv) The specification of a date for declaring subsequent transfers of land for the purpose of determining the size of the holding has been claimed to be artificial, arbitrary and discriminatory.

(v) The basis for classification of land is open to question.

(vi) Rates of compensation are varying and below the market price.

(vii) The law concerned is a legislation on personal law of the right of *ryot* and cannot come under the scheme of agrarian reforms.

(viii) The mortgaged land should not be included within the permissible area since it is not held by the landowner.

Prohibition of transfer in anticipation of the imposition of the ceiling and prohibition of partition of land and restriction of suits for specific performance of contract have also been challenged.

67.5.33 The above list represents substantive legal points on which land reforms have been challenged. In addition, some land reform laws have been challenged on grounds that they impinge upon the details of the procedures laid down for enforcement such as (a) the manner of computing standard acre; (b)

the manner of submission of returns; and (c) preparation and submission of draft statements showing land within the ceiling and surplus land.

67.5.34 It is essential that the law makers of the country should take due cognizance of all legal hurdles that exist today in the path of implementation of land reforms as indicated above and take necessary steps to remove them.

Implementation

67.5.35 Effective implementation is a vital aspect of ceiling legislation which involves a number of complex administrative processes. In the past, ceiling legislation has suffered not only because of certain political and economic constraints but also because of a very inadequate and inefficient administrative machinery for enforcing it. That the existing administrative machinery has generally failed to prevent the evasion of accepted laws and has been functioning largely in collusion with the vested interests, specially at the village and tehsil levels, is a fact beyond dispute. The existing district civil and revenue Courts cannot properly discharge those functions being already over-burdened with other kinds of litigation. The existing system of managing the work through district civil and revenue Courts causes unnecessary delays, makes justice costly and often dispensations of a doubtful nature. These courts are far away from the villages and the poor man is generally at a disadvantage while appearing before them. Such courts are also not in the proper know of relationships and happenings in the field. The establishment of special itinerant courts to hear cases in the villages of their origin or in the closely townships would expedite work and serve the ends of justice. In such cases village panchayats or local land reforms committees can directly help the peasants in their litigation against the landlords.

67.5.36 A restructuring of the entire administrative machinery for the enforcement of land reforms laws is now extremely necessary. We recommend that land reform administration should be separated from land revenue administration and special land reform agencies composed of hand picked officers with proper training, ability and dedication to the cause be set up.

67.5.37 The success of the reforms furthermore calls for coordination between the various departments concerned with rural development and planning. The new land reforms agency should in addition to effective implementation of land reform measures, be

responsible for such coordination as is necessary to enhance the overall economic well being of the beneficiaries of land reforms.

67.5.38 Since enforcement of ceilings under the present administrative setup is a highly time consuming process, it is essential that judicial formalities should be curtailed by confining the scope of appeals to two stages and by reducing the period of draft and final publication of records.

67.5.39 Implementation of ceiling laws is seriously obstructed either because of late submission of returns or submission of wrong returns by the landowners. This weakness can be rectified to some extent by providing for suitable penalties for late or wrong submission of returns. It is therefore, recommended that such States as have not yet provided for adequate penalties in this respect should do so as early as possible.

67.5.40 Experience has shown that land reforms cannot be implemented properly without popular cooperation and support at all levels. In the hands of the officials alone implementation tends to get bogged in the quagmire of official routine. It is, therefore, essential that popular supervisory committees should be constituted at all levels, Central, State, district and village, consisting of peoples' representatives including the beneficiaries, officials and experts to exercise vigilance on the implementation of land reforms. These committees can provide not only an overall direction to the process of reforms but can also help in their speedier and more effective implementation. In a supervisory setup of this nature, the village level committee can exercise the most direct and immediate influence on the work of implementation. The formation of such committees at the village level is, therefore, essential. These committees should be vested with certain statutory powers particularly in regard to inspection of records and sites, collection of evidence, measurement of areas etc. and their recommendations should receive due weight. These committees should also be provided with essential secretarial assistance.

Conclusion

67.5.41 In conclusion, we would like to stress that the above mentioned recommendations if effectively implemented would go a long way towards creating a social structure which can liberate Indian agriculture, in a large measure, from the shackles of a medieval type of agrarian economy. Indian agriculture has to be put on the high road to development as a robust and dynamic system. This is not

merely a technological task. It is a task which implies far reaching changes in property relations and socio-economic setup of rural India. The central objective is to enable the vast mass of cultivators whose production potentialities are being wasted today, to combine in full measure their manpower with modern technology, so that the whole agrarian economy rises rapidly to ever higher levels. The green revolution has to reach the threshold of the humble cottage dweller. This can be done through a process of development in technique linked up with the creation of maximum scope for its utilisation by the great mass of working peasantry. That the Indian agriculture has a bright future is a matter on which there can be no two opinions. Very few countries in the world have such magnificent natural resources and such immense manpower. The task is to combine these two, in a scientific and planned manner in order to ensure maximum production with the largest measure of social justice. Land reforms have to be directed essentially towards the realisation of that goal.

6 SUMMARY OF RECOMMENDATIONS

67.6.1 The main recommendations made in this chapter are given below:

1. Tenancy reforms should be directed towards the stage of finally breaking up the landlord tenant nexus.

(Paragraph 67.5.2)

2. Agriculture should be treated as a family occupation of the peasant cultivator and not as a source of subsidiary unearned income. In a normal peasant proprietor economy absentee landlordism should find no place.

(Paragraph 67.5.3)

3. There should be no leasing out or leasing in of land. The breaking up of landlord tenants nexus should have to be done with certain qualifications. Until such time as socio-economic development in the country brings about a radical change in man-land ratio, tenancy shall have to be permitted in a restricted form.

(Paragraph 67.5.4)

4. Leasing out of land should be permitted only in the cases of marginal farmers. The period of lease should not be less than three years at a time, renewable with mutual consent. The lease should be written and the landowner should be obliged by law to issue rent receipt. Landowner should not be allowed to resume land before the expiry of the lease. Eviction of tenant during lease period should

be prohibited. Redress of any grievance by the landowner should be through a court of law. In case of any eviction, the onus of proof should tie on the landowner.

(Paragraph 67.5.5)

5. All tenants of landowners possessing land over marginal holdings should be vested with proprietary rights and declared owners from a date to be specified by the State Governments provided that disabled persons, minors, widows and army personnel are given some concessions which may be decided by the State Governments. This provision shall not apply to those cases where a bigger landowner has lease in land from a smaller landowner.

(Paragraph 67.5.6)

6. Leasing in land by big landowners from small landowners should be discouraged. Ceiling limits as in ownership holdings should be discouraged. Ceiling limits as in ownership holdings

(Paragraph 67.5.7)

7. Excepting in the case of marginal farmers the continuing right of resumption should be annulled forthwith.

(Paragraph 67.5.8)

8. Concealed tenancies should be detected, where the landlord tenant nexus is clearly established in cases of concealed tenancies, the tenant should be recorded as an occupancy tenant.

(Paragraph 67.5.9)

9. Sharecroppers should be recognised and recorded as tenants and given all due protection.

(Paragraph 67.5.10)

10. 'Voluntary surrenders' should not be accepted as valid unless they are certified as genuine by the appropriate authority. Even in the case of a genuine surrender the land should not revert to the landowner but should vest in the State and be allotted to any other eligible person.

(Paragraph 67.5.11)

11. The definition of 'personal cultivation' should be changed in a manner as to prevent absentee landowners from exercising the right of resumption under that garb.

(Paragraph 67.5.12)

12. Rent exceeding the recommended level should be curbed and controlled and the system of issuing rent receipts should be strictly enforced. The tenants should be entitled to remit their rents through money orders or to deposit them in tehsil courts.

(Paragraph 67.5.13)

13. It is essential that the price of purchasing ownership rights by the tenants should be reasonable and wherever higher rates prevail, they should be levelled down. The price should be much below the market price. The tenants should be helped to purchase ownership right with credit given either directly by the Government or by financial institutions.

(Paragraph 67.5.14)

14. It is imperative that the preparation of land records should be given the top most priority for enforcement of land reforms. Tenants, tenants-at-will and sharecroppers should be promptly and properly identified and their names recorded forthwith.

(Paragraph 67.5.15)

15. Some administrative machinery should be established to consider the appeals of the evicted tenants. The example of Batai Disputes Boards of Bihar can provide the administrative pattern for the purpose.

(Paragraph 67.5.16)

16. The new ceiling laws enacted as per 'National Guidelines' are devised to achieve the objective of substantially reducing the present inequalities in land holdings. They are adequate from all considerations and have been laid down on a long term basis. It is now necessary that they should be enforced effectively and with despatch.

(Paragraph 67.5.17)

17. Where it is detected that any big landowner has deliberately indulged in illegal and benami transfers in anticipation of ceiling legislation the State Government should hold proper enquiry into such transfers with the assistance of popular land reforms committees. If on enquiry it is found that the transfers were made purposely to evade the provisions of ceiling laws, the land so transferred should be vested in the State and a penalty imposed on the transferor.

(Paragraph 67.5.19)

18. Fictious cooperative farming societies organised with a view to concealing the surplus land should be subjected to proper enquiry.

(Paragraph 67.5.20)

19. Cases, where many partners have been shown in a holding but the holding as a whole is under single management, should be carefully scrutinised to find out whether the partners are real or fictitious.

(Paragraph 67.5.21)

20. It is necessary to exempt plantations in respect of the actual area planted with a margin for replacement plantings. But plantations should be defined clearly so that agricultural and forest land

interpersed within the boundaries of a plantation do not escape the provisions of law. Also land held by agricultural universities or agricultural research centres should be exempted from the operation of ceiling laws.

(Paragraph 67.5.22)

21. The Government should take control of the water tanks to which ceiling laws do not apply for proper utilisation of water either for irrigation or for pisciculture as the case may be.

(Paragraph 67.5.23)

22. Religious, charitable and educational trusts should not be given a blanket exemption in regard to land held by them. Arable lands held by such trusts and endowments should be brought under the ceiling laws. Furthermore, ceilings should also be made applicable to forests and water areas held by those institutions. In case of bonafide institutions, which may suffer seriously because of ceiling limits, annuities for their continued functioning may be paid by the State Governments.

(Paragraph 67.5.24)

23. Enforcement of land reforms should precede to condition of holdings to protect the interest of tenants and sharecroppers.

(Paragraph 67.5.25)

24. In view of the specific socio-economic conditions obtaining in Indian agrarian society, viz., (a) massive landlessness, (b) serious lack of employment possibilities, and (c) subsistence of almost half the population below the poverty line, the application of a floor on ownership holdings would not be possible for a long time to come.

(Paragraph 67.5.26)

25. In the distribution of surplus land priority should be given to landless agricultural population, particularly to the Harijans, Tribals and those belonging to backward communities, who, in any capacity, are already tilling the land. The interests of the existing tenants on surplus land should also be duly safeguarded in the process of implementation of ceiling laws. The protection already enjoyed by the tenants on surplus land should not be disturbed or taken away.

(Paragraphs 67.5.26 & 67.5.27)

26. Allotment of land to the cooperative societies consisting of eligible beneficiaries should be encouraged where such surplus land is available in large blocks.

(Paragraph 67.5.28)

27. Surplus land should be allotted to the beneficiaries on the specific condition that they would not be permitted to sell or mortgage those lands to any private individual. If at any time a bene-

ficiary wants to leave the profession of cultivation, the land held by him should revert to the Government. The beneficiaries should enjoy permanent and heritable rights in land.

(Paragraph 67.5.29)

28. The State Government should setup special institutions through which adequate credit and other inputs can be made available to the allottees for the development of the assigned lands.

(Paragraph 67.5.30)

29. It is essential that law makers of the country should take due cognizance of all legal hurdles that exist now in the path of implementation of land reforms and take necessary steps to remove them.

(Paragraphs 67.5.31 to 67.5.34)

30. Effective implementation is a vital aspect of ceiling legislation. The existing district civil and revenue courts cannot properly discharge those functions being already overburdened with other works. The establishment of special itinerant courts to hear cases in the villages of their origin or in the closeby townships would expedite work and serve the ends of justice.

(Paragraph 67.5.35)

31. Land reform administration should be separated from land revenue administration and special land reform agencies composed of hand picked officers with proper training, ability and dedication to the cause be setup.

(Paragraph 67.5.36)

32. The new land reform agency should, in addition to effective implementation of land reform measures, be responsible for coordination between the various departments concerned with rural development and planning as is necessary to enhance the overall economic well-being of the beneficiaries of land reform.

(Paragraph 67.5.37)

33. Judicial formalities should be curtailed by confining the scope of appeals to two stages and by reducing the period of draft and final publication of records.

(Paragraph 67.5.38)

34. To ensure speedy implementation of ceiling laws suitable penalties for late or wrong returns should be laid down in such States as have not yet done so.

(Paragraph 67.5.39)

35. It is essential that popular supervisory committees should be constituted at all levels, Central, State, district and village, consisting of peoples' representatives including the beneficiaries, officials and experts to exercise vigilance on the implementation of land reforms. These committees should be vested with certain statutory

powers particularly in regard to inspection of records and sites, collection of evidence, measurement of areas, etc. and their recommendations should receive due weight. These committees should also be provided with essential secretarial assistance.

(Paragraph 67.5.40)

APPENDIX 67.1

(Paragraph 67.2.1)

Percentage of Leased-in Area in India

Year	Source of data	Holdings reporting land leased-in	Operated area leased-in All India
1950-51	agricultural labour enquiry[2] . . .		35.70
1953-54	8th round national sample survey[3] .	39.85	20.34
1960-61	16th round national sample survey[4] .	27.33	12.53
1961-62	17th round national sample survey[5] .	23.52	10.70

[1]P. C. Joshi : Land Reforms and Agrarian Change in India and Pakistan since 1947, 1970, Institute of Economic Growth, Delhi.

[2]Government of India, Ministry of Labour, New Delhi Agricultural Labour. How they Work and Live. Essential statistics, All India Agricultural Labour Enquiry, 1950-51, p. 72, Table II.

[3]The National Sample Survey, Eighth Round, July, 1954—April 1955, No. 30 Report on Land Holdings. The Cabinet Secretariat, Government of India, p. 21.

[4]The National Sample Survey, No. 122, Land Holdings Enquiry (Rural), Sixteenth Round, July 1960—June 1961, Indian Statistical Institute Calcutta, p. 24 and p. 27.

[5]The National Sample Survey No. 146, Land Holdings Enquiry (Rural). Seventeenth Round September 1961—July 1962, Indian Statistical Institute, Calcutta, p. 31 and p. 35.

APPENDIX 67.2

(Paragraph 67.2.1)

All India Percentage Distribution of Operational Holdings Reporting Land Owned, Land Leased-in by Size-Class of Operational Holdings[1]

Size class of operational holdings (acres)	Percentage of distribution of all operational holdings	Percentage distribution holdings reporting different categories
		Owned
up to 0.49	8.55	7.99
0.50—0.99	8.58	8.42
1.00—2.49	21.94	22.03
2.50—4.99	22.62	22.85
5.00—7.49	12.84	13.05
7.50—9.99	6.96	7.04
10.00—12.49	5.05	4.99
12.50—14.99	2.90	2.94
15.00—19.99	3.75	3.76
20.00—24.99	2.29	2.31
25.00—29.99	1.31	1.34
30.00—49.99	2.18	2.22
50.00—above	1.03	1.06
all sizes	100.00	100.00

[1]The National Sample Survey, Land Holdings Enquiry (Rural), 17th Round, September, 1961—No. 146, p. 39, Indian Statistical Institute, Calcutta. (Taken from P. C. Joshi, Land Reforms and Agrarian change in India and Pakistan since 1947, 1970, Institute of Economic Growth, Delhi).

1 hectare=2.47109 acres.

APPENDIX 67.3

(Paragraph 67.2.1)

All India Percentage Distribution of Land Owned and Land Leased-in by Size Class of Operational Holdings[1]

Size class of operational holding (acres)	Percentage distribution of area operated	Percentage distribution of area operated under different categories	
		owned	leased-in
upto 0.49	.32	0.29	0.54
0.50—0.99	.95	0.86	1.79
1.00—2.49	5.59	5.27	8.31
2.50—4.99	12.32	11.87	16.14
5.00—7.49	11.73	11.35	13.22
7.50—9.99	8.97	8.90	9.52
10.00—12.49	8.25	8.23	8.40
12.50—14.99	5.95	5.98	5.67
15.00—19.99	9.58	9.75	8.12
20.00—24.99	7.39	7.57	5.83
25.00—29.99	5.30	5.37	4.75
30.00—49.99	12.05	12.38	9.29
50.00—above	11.60	11.98	8.42
all sizes	100.00	100.00	100.00

[1]The National Sample Survey, Land Holding Enquiry (Rural), 17th Round, September 1961—July 1962, No. 146, p. 43, Indian Statistical Institute, Calcutta. (Taken from : P. C. Joshi, Land Reforms and Agrarian change in India and Pakistan since 1947, 1970, Institute of Economic Growth, Delhi).

APPENDIX 67.4

(Paragraph 67.2.2)

Percentage Distribution of Number of Operational Holdings Reporting Land Leased-in and of Area Leased-in by Size Classes of Operational Holdings[1]

Size classes	Punjab		West Bengal	
	Number	Area	Number	Area
less than 5 acres . . .	25·22	8·09	72·44	58·30
5—10 acres . . .	29·62	22·14	22·49	29·15
10—20 acres . . .	29·62	37·21	4·64	10·24
20 and above . . .	16·04	33·56	0·43	2·31

[1]National Sample Survey, Land Holding Enquiry (Rural), 17th Round, State-wise Tables, Indian Statistical Institute, calcutta. (Taken from :— P. C. Joshi, Land Reforms and Agrarian Change in India and Pakistan since 1947, 1970—Institute of Economic Growth, Delhi).

APPENDIX 67·5

(Paragraph 67.2.2)

Percentage Distribution of Operational Holdings Reporting Owned Land and also of Area owned by Size-Classes of Operational Holdings[1]

Size Classes	Punjab		West Bengal	
	Number	Area	Number	Area
less than 5 acres . . .	35·87	7·81	74·07	38·29
5—10 acres . . .	25·12	16·26	18·61	32·74
10—20 acres . . .	24·80	30·99	6·07	20·87
20 acres and above . .	14·21	44·94	1·25	8·10

[1]National Sample Survey : Land Holdings Enquiry (Rural) 17th Round, 1960-61, State-wise Tables, Indian Statistical Institutes, Calcutta. (Taken from :— P. C. Josh, Land Reforms and Agrarian change in India and Pakistan since 1947, 1970, Institute of Economic Growth, Delhi).

APPENDIX 67·6

(Paragraph 67.2.7)

Cumulative Percentage Distribution of (a) Number of Ownership Holdings and Area Owned and (b) Number of Operational Holdings and Area Operated (Eighth and Seventeenth) rounds of NSS[1]

Holding size limit (hectare)	(a) Ownership holdings				(b) Operational Holdings			
	Eighth round		Seventeenth round		Eighth round		Seventeenth round	
	Number	Area operated	Number	Area operated	Number	Area operated	Number	Area operated
1	2	3	4	5	6	7	8	9
Below 0·20	40·64†	0·44	29·70**	0·54	34·24@	0·44	8·55	0·32
0·20—0·40	46·89	1·38	36·85	1·59	40·23	1·25	17·13	1·27
0·40—1·01	60·55	6·31	54·79	7·59	54·80	5·93	39·07	6·86
1·01—2·02	74 21	16 77	71·95	19·99	70·71	16·79	61·69	19·18
2·02—3·04	82·37	27·37	81·34	31·56	79 95	27·31	74·53	30·91
3·04—4·05	87·01	35·99	86·51	40·53	85·58	36·42	81·49	39·88
4 05—6 07	92·20	49·16	92·27	54·50	91·11	49·00	89·44	54·08
6 07—8·09	94·86	58·94	95·07	64·16	94 42	59·71	93·19	63·66
8·09—10·12	96·29	65 73	95 78	71·76	96·09	66·72	95·48	71.05
10·12—12·14	97·36	71·95	97·75	77·09	97·28	72·81	96 79	76.35

APPENDIX 67·6 (Contd.)

1	2	3	4	5	6	7	8	9
12·14—20·23	98·94	84·40	99·32	88·87	99·09	85·57	98·97	88·40
all sizes	100·00	100·00	100·00	100·00	100·00	100·00	100·00	100·00
estimated number of holdings ('000) . .	65,659†	..	64,000**	..	66,659@	..	50,765	..

†Including households owning no land or landless than 0·002 hectare (numbering 14,444 thousand), and households owning below 0·04 hectare (numbering 8,222 thousand).

@Including households possessing less than 0·002 hectare (numbering 4,162 thousand), and possessing below 0·04 hectare (numbering 6,995 thousand).

**Excluding the landless and households owning less than 0·002 hectare.

Reference periods : the date relate to the rural sector

Eighth round—major crop season 1953-54 ; seventeenth round—agricultural year 1960-61,

1. (i) Indian Agriculture in Brief (sixth edition), p. 48, Ministry of Agriculture, New Delhi.
(ii) Indian Agriculture in Brief (thirteenth edition), 0·58,Ministry of Agriculture, New Delhi, 1974.
(iii) Artha Vigyana, March—June, 1970, Poona, Vol. xii. Nos. 1 & 2, pp. 318-319.

APPENDIX 67.7

(Paragraph 67.2.10)

All India Number and Area of Operational Holdings According to Size[1]

Size class (ha)	Individual holdings				Joint holdings				Total holdings			
	Number ('000)	Percentage	Area ('000 ha)	Percentage	Number ('000)	Percentage	Area ('000 ha)	Percentage	Number ('000)	Percentage	Area ('000 ha)	Percentage
1	2	3	4	5	6	7	8	9	10	11	12	13
below 0·5	19,344	32·96	4,560	3·53	3,834	32·47	886	2·69	23,178	32·88	5,446	3·36
0·5—1·0	10,550	17·98	7,676	5·94	1,954	16·55	1,423	4·31	12,504	17·74	9,099	5·61
1·0—2·0	11,407	19·44	16,366	12·67	2,025	17·15	2,916	8·84	13,432	19·05	19,282	11·89
2·0—3·0	5,607	9·55	13,625	10·55	1,115	9·44	2,728	8·27	6,722	9·54	16,353	10·09
3·0—4·0	2,253	5·54	11,210	8·68	706	5·98	2,436	7·38	3,959	5·62	13,646	8·42
4·0—5·0	2,194	3·74	9,740	7·54	490	4·15	2,189	6·64	2,684	3·81	11,929	7·36
5—0·10 0	4,215	7 18	29,121	22·55	1,033	8·74	7,184	21·78	5,248	7·44	36,305	22·39
10·0—20·0	1,665	2·84	22,139	17·15	470	3·98	6,382	19·34	2,135	3·03	28,521	17·59
20·0—30·0	295	0·50	6,863	5·32	106	0·90	2,481	7·52	401	0·57	9,344	5·76
30·0—40·0	84	0·14	2,890	2·24	36	0·30	1,288	3·90	120	0·17	4,178	2·58
40·0—50·0	30	0·05	1,350	1·05	15	0·13	700	2·12	45	0·06	2,050	1·27
50·0 and above	40	0·07	3,592	2·78	25	0·27	2,379	7·21	65	0·09	5,971	3·68
Total	58,684	100·00	1,29,132	100·00	11,809	100·00	32,992	100·00	70,493	100·00	1,62,124	100·00

[1]All India Report on Agricultural Census 1970-71, p. 113, New Delhi, Ministry of Agriculture and Irrigation, Government of India, 1975.

APPENDIX 67.8

(Paragraph 67.2.17)

All India Distribution of Holdings According to Tenancy Status[1]

Size class (ha)	Total holdings			Wholly owned and self operated holdings				
	Number ('000)	Percentage	Area ('000 ha)	Percentage	Number ('000)	Percentage	Area ('000 ha)	Percentage
1	2	3	4	5	6	7	8	9
below 0·5	23,178	32·88	5,446	3·36	21,448	33·24	4,988	3·38
0·5—1·0	12,504	17·74	9,099	5·61	11,389	17·65	8,237	5·58
1·0—2·0	13,432	19·05	19,282	11·89	12,169	18·86	17,411	11·74
2·0—3·0	6,722	9·54	16,353	10·09	6,099	9·45	14,812	10·03
3·0—4·0	3,959	5·62	13,646	8·42	3,619	5·61	12,444	2·42
4·0—5·0	2,684	3·81	11,929	7·36	2,461	3·81	10,913	7·39
5·0—10·0	5,248	7·44	36,305	22·34	4,811	7·46	33,233	22·50
10·0—20·0	2,135	3·03	28,521	17·59	1,949	3·02	25,988	17·59
20·0—30·0	401	0·57	9,344	5·76	364	0·56	8,479	5·74
30·0—40·0	120	0·17	4,178	2·58	110	0·17	3,818	2·58
40·0—50·0	45	0·06	2,050	1·27	42	0·07	1,885	1·28
50·0 and above	65	0·09	5,971	3·68	61	0·10	5,491	3·72
total	70,493	100·00	1,62,124	100·00	64,522	100·00	1,47,699	100·00

[1]All India Report on Agricultural Census 1970-71, p. 114, New Delhi, Ministry of Agriculture and Irrigation, Government of India.

APPENDIX 67·8 (Contd.)

Size Class (ha)	Partly owned and partly rented holdings				Holdings wholly taken on rent			
	Number ('000)	Percentage	Area ('000 ha)	Percentage	Number ('000)	Percentgae	Area ('000 ha)	Percentage
1	10	11	12	13	14	15	16	17
below—0·5	355	12·85	110	1·12	1,096	38·62	260	6·58
0·5— 1·0	449	16·25	340	3·45	608	21·42	427	10·81
1·0— 2·0	662	23·96	966	9·80	570	20·08	771	19·62
2·0— 3·0	375	13·57	915	9·29	241	8·49	551	13·95
3·0— 4·0	229	8·29	793	8·05	111	3·91	360	9·11
4·0— 5·0	158	5·72	703	7·13	66	2·32	274	6·94
5·0—10·0	332	12·01	2,314	23·49	107	3·77	678	17·16
10·0—20·0	155	5·61	2,105	21·37	32	1·13	389	9·85
20·0—30·0	32	1·16	767	7·79	4	0·14	88	2·23
30·0—40·0	9	0·33	319	3·24	1	0·04	36	0·91
40·0—50·0	3	0·11	144	1·46	1	0·04	19	0·48
50·0 and above	4	0·14	375	3·81	1	0·04	97	2·46
TOTAL	2,763	100·00	9,851	100·00	2,838	100·00	3,950	100·00

68

CONSOLIDATION OF HOLDINGS

1 INTRODUCTION

68.1.1 One of the major causes of low agricultural productivity particularly in India is the fragmentation of holdings. It involves two processes of sub-division and fragmentation. Once the process of fragmentation begins, it is accentuated with each succeeding generation. In other words, excessive fragmentation is the result of the influence of the social structure that creates too great a demand for the limited area of land by population largely dependent on it. This is due to the system of private law and custom which encouraged progressive sub-division. Land consolidation in its broadest sense always plays an important part in any programme for increase in productivity. Consolidation of holdings is today of major interest in many countries engaged in efforts to improve their agrarian structure and they have to face problem caused by excessive sub-division and fragmentation. Although the importance and urgency of the problem has been recognised long back, legislative action to meet it has been fairly recent.

68.1.2 Successive five year plans have laid stress on the importance of the programme of consolidation as well as integrated area development. The First Five Year Plan recognised the experience in consolidation of holdings in Punjab, Madhya Pradesh and Bombay and suggested that it should be expanded and pursued with vigour. In the Second Five Year Plan it was suggested that consolidation of holdings should be undertaken as a task of primary importance in the agricultural programme in national extension service blocks. The Third Five Year Plan recommended that in view of the limitation of the trained personnel it would be desirable to concentrate consolidation work in areas which were already receiving irrigation or were likely to come under irrigation. The Fourth Five Year Plan recognised that consolidation had been an important factor in the agricultural development of Punjab, Haryana and Uttar Pradesh and, therefore, the programme should be pursued vigorously in other

States also. Under the Fifth Five Year Plan, it is stipulated that in areas where land consolidation is undertaken, the land of small holders, the surplus land and the Government waste land available for distribution to new assignees should be consolidated in compact blocks. Such a scheme will facilitate the adoption of a policy of directing the flow of future public investments in irrigation and land development exclusively for the benefit of the under-privileged.

2 EXPERIENCE IN INDIA AND ABROAD

Experience in India

68.2.1 Land consolidation in India had its beginnings in the attempt to stop or restrict sub-division of fields and to prevent fragmentation. The Settlement Department of Bombay decided in 1847 not to recognise or enter plots below a certain area in the revenue records in the hope that this denial of recognition would eliminate fragmentation and ensure continuance of compact sizable plots. Simultaneously it was also decided, without the introduction of any legislative measure, that the name of the eldest son would be entered in the record of rights. The revenue authorities failed to secure statutory sanction for the above two very far reaching measures of reform with the result that Civil Courts not only continued to decree succession according to personal law but also allowed and enforced partition between claimants and heirs. The orders were, therefore, subsequently withdrawn and also fragments and tenure holders came to be recorded as before.

68.2.2 For the first time in India consolidation of two villages—one in Raipur and the other in Bilaspur—was taken up in 1905 at the initiative of the Commissioner of Chhatisgarh in Central Provinces. W.H. Moreland, the famous economist and administrator wrote in 1912 that "very great economy would result from a redistribution of land giving each cultivator a compact area around his house, each field of which would be constantly under his eye and within the reach of domestic manure supply." In 1917, the All India Board of Agriculture asked the provinces to investigate with the help of Registrar Cooperative Societies and to adopt remedial measures for prevention of fragmentation. When the Royal Commission on Agriculture presented the Report in 1928, correlation between prevention of fragmentation and consolidation had already been established since it expressed the view that the only effective means for prevention of fragmentation was to consolidate holdings.

68.2.3 Punjab took the lead in starting voluntary consolidation through cooperative consolidation societies which were set up under the Cooperative Societies Act 1912 and the work was started in 1920. Owing to the limited application, the scheme being restricted only to the consenting members and because of the voluntary nature of the transactions and the escape clause for abrogation after four years, not much headway was made. United Provinces also took up the scheme through cooperative societies but with very little progress. When this sporadic and diluted experiment was started in Punjab, the princely State of Baroda took the bold step of enacting a law for consolidation of holdings in 1920, but unfortunately it appears to have remained only on the Statute Book since no records of implementation are traceable.

68.2.4 Less than a decade later the Central Provinces became the pioneer in British India to enact the first legislative measure with the basic rudiment of land consolidation through voluntary effort. The Central Provinces Consolidation of Holdings Act 1928 defined consolidation of holdings as the redistribution of all or any of the land in an estate or part thereof so as to reduce the number of plots in the holdings. Where persons holding more than two-thirds of the area in a village applied, the whole village was to be bound by their request. The provisions of the Act were first extended to districts Durg, Raipur and Bilaspur of the Chhatisgarh Division and subsequently the Act was applied to the entire province.

68.2.5 The Punjab Consolidation of Holdings Act, 1936 was the next and three years later came the United Provinces (UP) Consolidation Act, 1939. While the Punjab Act provided for voluntary consolidation based on the agreement of all or a majority of the occupants of the village, the UP Act introduced a certain element of compulsion. If one-third occupants holding as much area applied, it was upto the Collector to decide if the village would be put under consolidation operations and once the proclamation was made, no option to withdraw was available. The Punjab Act did not make any provisions for prior revision of the records but the UP Act required revision of records to precede consolidation. Participation of the people was envisaged in the constitution of Advisory Committee to assist the Consolidation Officer in Punjab but there was no such provision in UP. In both the provinces costs were to be apportioned between the province and beneficiaries and recovered from the tenure holders concerned.

68.2.6 The provisions of the UP Act came into force in January 1940 and the scheme of consolidation was introduced in Saharanpur, Meerut, Bulandshahr, Muzaffarnagar, Moradabad, Bijnor, Agra,

Fatehpur, Etawah, Allahabad, Sitapur, Behraich and Ballia. However, little headway was made and the scheme became unpopular owing to lack of public support. The officials entrusted with the project became indifferent and ultimately the project was withdrawn in 1947. Between 1940 and 1947, however, a total of 6004 villages were brought in the scope of consolidation and an area of 183,000 hectares was reported to have been consolidated. But there was no fruition as no trace of any improvement was discernible when the work of compulsory consolidation was taken up about eight years later. In the case of Punjab also the passing of the Act made no impact on consolidation by cooperative societies and the work that began in the twenties continued until the new Act was passed after Independence.

68.2.7 The Jammu & Kashmir Consolidation of Holdings Act was enacted in 1940. The Act followed more or less the pattern of Punjab Act 1936. In Kerala and the former Madras Province consolidation cooperative societies were set up in 1936 after the practice of Punjab and UP but the scheme was soon discontinued on the ground that as long as succession laws allowed fragmentation, consolidation would not be worthwhile. However, voluntary consolidation did not make much headway because of traditional reluctance of tenure holders to part with their holdings even though it was advantageous to them. After Indepedence, compulsory consolidation replaced voluntary consolidation in almost all the States where agrarian reforms had already been undertaken. State after State vied with one another to hasten enactment of such measures but barring three or four of them there was little interest shown in their implementation. Bombay passed its Act in 1947, Punjab in 1948, Uttar Pradesh and Himachal Pradesh in 1953, Rajasthan in 1954, West Bengal in 1955, Andhra Pradesh and Bihar in 1956, Madhya Pradesh in 1959, Assam in 1960, Jammu & Kashmir in 1962 and Mysore (now Karnataka) in 1966. Gujarat and Maharashtra adopted the Bombay Act of 1947; Haryana continued to follow the Punjab Act after this new State was carved out in 1966. Tamil Nadu and Kerala have not adopted any measures for the consolidation of holdings. The Orissa Act was passed in 1972. States such as Arunachal Pradesh, Meghalaya, Manipur, Nagaland and Tripura have enacted no measures so far. Delhi has adopted the Punjab Act but the other Union Territories have taken no measures so far.

Experience in Other Countries

68.2.8 Consolidation legislation is most highly developed in some countries in Europe and Asia. France, West Germany and Netherlands have of late considerably revised their legislation on the subject. Denmark, Sweden and Switzerland on the other hand have a long tradition of consolidation. Belgium also adopted in 1956 an Act on the statutory consolidation of agricultural holdings. In most of the European countries, consolidation of holdings forms part of the over-all farmework of agrarian measures and also includes provisions for prevention of fragmentation.

68.2.9 In certain Asian countries, legislative action combines consolidation and anti-fragmentation measures. Japan has also introduced in the framework of agrarian reforms legislation, special legislative measures on consolidation. Similarly Iraqi and Syrian agrarian reforms legislation provides for consolidation of land affected by the reforms. Both the United Arab Republic and Lebanon have also made comprehensive provisions in this respect. Iraq has also a special anti-fragmentation legislation. It has, however, been thought that land consolidation should be propounded on a comprehensive scale just as agricultural development is to be approached in the regional framework and as part of the general economic development of the country. Among the Latin American countries only Chile and Mexico have made provisions for consolidation of holdings.

3 REVIEW OF PROGRESS

68.3.1 While almost all the States with the exception of Tamil Nadu and Kerala enacted legislative measures for consolidation of holdings, very few took up implementation with any degree of earnestness. Separate organisations were set up for this purpose in Punjab, Haryana and Uttar Pradesh and the entire areas in the States were covered by their plans of consolidation. In other States the work was done by the normal agencies of revenue administration in addition to their duties and with varying degrees of priority.

68.3.2 The States can thus be divided into the following categories:

(i) States in which substantial progress has been made and which have plans for total coverage—Uttar Pradesh, Punjab and Haryana;

(ii) States in which substantial progress is shown though total coverage is not yet contemplated—Maharashtra and Himachal Pradesh;

(iii) States in which some work has been done—Madhya Pradesh, Rajasthan, Gujarat and Kannataka;

(iv) States in which experimental work has been done—Jammu & Kashmir, Bihar and Andhra Pradesh;

(v) States in which no progress has been made though legislation has already been enacted—West Bengal, Assam and Orissa; and

(vi) States in which legislation has not so far been enacted—Tamil Nadu and Kerala.

68.3.3 It is proposed first to assess the progress so far made in the context of the total cultivable area in each State based on the figures of land utilisation for 1971-72 the latest year for which data are available. Considering the cultivable area fit for consolidation as given in col. 7 of Appendix 68.1, as the base and relating the same with the progress achieved upto the end of the Fourth Plan, it is found that the progress of consolidation has been uneven in different States.

68.3.4 Uttar Pradesh: The work in Uttar Pradesh was started in 1954 in the two districts of Muzaffarnagar and Sultanpur but it was subsequently extended to other districts. Upto the year 1959 consolidation in Uttar Pradesh used to be done in the form of irregular parcels of land but from 1959 onwards the scheme of rectangulation was adopted on the lines of the practice followed in Punjab. Areas which were consolidated between 1954—59 do not, therefore, have straight roads leading from one consolidated holding to another known in common parlance as *Chakroad* (path linking the new blocks); similarly, they are also not provided with water channels as is a common feature in the areas consolidated after 1959.

68.3.5 Punjab and Haryana: The laws of both the States of Punjab and Haryana are common and the principles on which consolidation of holdings was being done in these two States were identical and until recently the administration was also common. The latest (1971-72) figures available in respect of land utilisation in Punjab and Haryana are given in Table 68.1.

TABLE 68.1

Land Utilisation and Area Consolidated in Punjab and Haryana, 1971-72

('000 ha)

	Punjab	Haryana
geographical area	5,036	4,422
forest	127	110
not available for cultivation	613	480
permanent pasture and grazing lands	5	47
land under miscellaneous tree crops	4	2
cultivable waste	80	37
current fallows	126	159
net sown area	4,076	3,567
area consolidated	4,737*	4,129*

*In case of Punjab and Haryana the entire area of the village was consolidated instead of only cultivable area, hence the consolidated area comes to more than the net sown area.

It would be observed that the work of consolidation has more or less been completed or is nearing completion in both these States. A special feature of consolidation operations in Punjab and Haryana which has no parallel in the rest of the country is the recognition of the tenure holder's right at two levels *i.e.* that of the actual occupier as well as of the one who has leased out the land to him.

68.3.6 Maharashtra: The Bombay Prevention of Fragmentation and Consolidation of Holdings Act was passed in 1947 and it was made applicable to Vidarbha and Marathwada regions also. In 1969 the Programme Evaluation Organisation of the Planning Commission, sent out a team for evaluation of the programme of consolidation of holdings in a number of States and Maharashtra was one of them. The survey showed that 77 per cent of the tenure holders retained 100 per cent of the original land and 14 per cent retained between 75 per cent and 99 per cent of the original land. This would show that 91 per cent of the tenure holders succeeded in retaining almost all their old lands and only 9 per cent were obliged to exchange their land with others. It is one of the basic principles of consolidation that exchange must occur extensively if any real results are to be achieved. Consequently, if the figures set out by the evaluation team are indicative of the position of the entire State, it can safely be assumed that in Maharashtra the attempt was to maintain the *staus quo*.

68.3.7 Himachal Pradesh: The entire State of Himachal Pradesh is hilly. Most of the cultivation is done on narrow terraces built and buttressed on the hillsides. These terraces are of three classes: those nearest the valley are used for growing some cereals and vegetables; middle terraces grow wheat and maize; and the top ones are used for grazing. Upto 1953 the Punjab Act was extended in its application to this State but in that year the Himachal Pradesh Consolidation of Holdings Act was passed and enforced in those areas which formed part of earstwhile Himachal Pradesh whereas in the rest of the State the Punjab Act continued to be applicable till the Government passed a new Act for the entire State. Upto the year 1973-74, an area of 233 thousand hectares was consolidated.

68.3.8 Madhya Pradesh: Madhya Pradesh has the distinction of being the pioneer in experimental work in land consolidation which was taken up as early as 1905 in Chhattisgarh. The State (then Central Provinces) was also the first to enact a law of Consolidation of Holdings in 1928, but its approach to the problem appears to have stopped at that because even now it is the only State. barring West Bengal, which has so far avoided introducing the element of compulsion and continues to adhere to the principles of voluntary consolidation which have met universal failure all over the country. The Act does not provide for allotment during consolidation of land for common purposes. It would thus be desirable that the laws of this State are brought in conformity with those of other States so that effective consolidation can be undertaken.

68.3.9 Rajasthan: The Act for compulsory consolidation was passed in Rajasthan in 1954 but the extension of the scheme is done mostly with the consensus of the tenure holders. Upto 1973-74 only 1,730 thousand hectares had been consolidated which works out to about 10 per cent of the total cultivated area.

68.3.10 Gujarat: In this State, national extension and community development scheme was first introduced in the backward areas and on the same analogy consolidation too was taken up in those areas. After the formation of the State of Gujarat in 1960, the scheme was sought to be extended to the Saurashtra region also but opposition from landholders led to its withdrawal. This provided a handle to tenure holders in other areas too to agitate for withdrawal and the progress in other areas was consequently greatly retarted. When enquiries were made it was found that most of the schemes had remained only on paper and had not been implemented. The chief hinderance in the way of effective imple-

mentation was reluctance to exchange land. A Committee was, therefore, appointed in 1964 for suggesting amendments to the Consolidation Act and for making suggestions and recommendations for simplifying the procedure. The Committee recommended a scheme for total coverage of land in suitable areas, exclusion of certain unsuitable lands and for taking up land in some areas in due course. Government, however, came to the conclusion that the consolidation should be made voluntary and recommended amendments in the Act to render the scheme non-compulsory. With the enunciation of the new policy by the Gujarat Government consolidation is not likely to make any headway in the State.

68.3.11 Karnataka: The Mysore Fragmentation and Consolidation of Holdings Act was passed in 1966 and enforced from May 1, 1969. About one million hectares have been consolidated upto 1973-74, which is about ten per cent of the total cultivated area.

68.3.12 Jammu & Kashmir: In Jammu & Kashmir, the Consolidation of Holdings Act was passed in 1940 under which consolidation scheme was to be introduced if two-thirds of the landowners in an estate holding three-fourths of the cultivated area of the estate applied. This Act was replaced by the Act of 1962 and only 23 thousand hectares were consolidated upto 1973-74.

68.3.13 Bihar: The Act for compulsory consolidation in Bihar was passed in 1956 but only 300 thousand hectares are reported to have been consolidated upto the end of the Fourth Plan which works out to be about 3 per cent of the cultivable area.

68.3.14 Andhra Pradesh: The Hyderabad Land Holdings (Consolidation and Prevention of Fragmentation) Act, 1955 applied to the Telangana area, and no legislation existed for the Andhra area. The Government wound up the scheme at the end of 1955. Thus, Andhra Pradesh also joined the other two States of Tamil Nadu and Kerala which are averse to consolidation.

68.3.15 West Bengal, Assam and Orissa: West Bengal Land Reforms Act, 1955 has certain provisions for land consolidation under which consolidation can be undertaken if two-thirds or more landowners agree. So far no such majority has appeared in any village. The Assam Act was enacted in 1960 but it provided for voluntary consolidation and consequently no response was forthcoming. In 1966, the Act was amended and the proceedings were made compulsory. In the district of Kamrup 41 villages were taken up for consolidation but in May 1969 this scheme was suspended. In Orissa a Bill drafted on the lines of Uttar Pradesh became an Act in 1972.

68.3.16 Tamil Nadu: In the former Madras, adopting the practice in Punjab and Uttar Pradesh, Consolidation Cooperative Societies were established in 1936. About 640 hectares were consolidated on an experimental basis but the scheme was discontinued shortly thereafter on the ground that as long as succession laws allowed fragmentation, no attempt for consolidation would be lasting.

68.3.17 Kerala: Kerala made a special study of consolidation operations in the rest of the country by deputing an officer to undertake a close study and survey. A comprehensive report was prepared which enunciated all the relevant factors. Though homesteading in the holding area was considered a handicap, it is probably a great advantage which is peculiar to Kerala and also a very strong argument in favour of consolidation. With the house and farm buildings in the centre nothing would be more satisfactory than to have the entire holding in one piece.

4 LAND CONSOLIDATION IN SOCIO-ECONOMIC BACKGROUND

68.4.1 A major impediment to efficient cultivation is the fact that the agricultural holdings generally consist of small scattered fields lying at considerable distances from one another. This is because of the sub-division and fragmentation of holdings arising out of the prevailing laws of succession and the uncontrolled operation of the law of transfer and inequitous money lending practices.

Sub-division and Fragmentation

68.4.2 The sub-division of holdings is chiefly due to the law of inheritance, customary among Hindus and Muslims, which except where the Hindu joint family system is in operation, enjoins the succession to an immovable property by all the heirs. The custom of dividing landed property amongst heirs is to give to each heir a proportionate share in all good or bad lands and not the whole equivalent of his share in a compact block. In the result, the successive generations descending from a common ancestor inherited not only smaller and smaller shares of his land but also land broken up into smaller and still smaller plots. The fragmentation refers to the manner in which the land held by an individual or undivided family is scattered throughout the village/area in plots separated by land in possession of others. In its sociological origin, the problem

of excessive fragmentation of farms would appear to be different from that of the small and uneconomic size of farm but these two problems are vitally interlinked in the sense that when found together each tends to aggravate the drawbacks resulting from the other. The problem of excessive fragmentation, therefore, has to be considered in the context of the small size of the average farm in India. Essentially it is the increasing pressure of population on land aggravated by the slow development of agro-based industries, unrelieved by any comparable increase in the scope for employment in the organised industrial sector, that has been responsible for the excessive sub-division of the cultivated land.

68.4.3 Revisional surveys in certain States have shown a definite decrease in the average size of the holding. The All India picture is not very encouraging as would appear from table 68.2:

TABLE 68.2

Cumulative Percentage Distribution of Number of Ownership Holdings and Area owned according to different sizes of Holdings[1]

Size class of holding (ha)	Ownership holdings	Area owned
below 0·20	29·70	0·54
0·20—0·40	36·85	1·59
0·40—1·01	54·79	7·59
1·01—2·02	71·95	19·99
2·02—3·04	81·34	31·56
3·04—4·05	86·5	40·53
4·05—6·07	92·27	54·50
6·07—8·09	95·07	64·16
8·09—10·12	96·78	71·76
10·12—12·14	97·75	77·09
12·14—20·23	99·32	88·87
20·23 & above	100·0	100·00
estimated number of holdings (thousands)	64·000	..
estimated area (thousand hectares)	..	128,635

[1]NSS Report No. 144—Seventeenth Round, September 1961—July 1962.

68.4.4 Two main characteristics emerge from the table above: firstly large proportion of rural households is either landless or

holds tiny pieces of land; and secondly large proportion of land is covered by small holdings. Using the standard size class of holdings, 55 per cent of the households were landless or had holdings under one hectare and owned 7.59 per cent of the land, 42 per cent had holdings between 1 and 10 hectares and owned 64.17 per cent of the land, and about 3 per cent had holdings over 10 hectares and owned 28.24 per cent of the land. The above analysis makes it abundantly clear as to why structural reform of agricultural holdings has become a prominent issue of land reform policy in the country today. As a balancing factor to the ceiling on agricultural holdings, a programme for improving the farm structure and achieving a rapid rate of farm amalgamation is an imperative necessity.

Disadvantages of Fragmentation

68.4.5 The obvious disadvantages of fragmentation which warrant the recommendation for introduction of consolidation scheme are:

(i) Full and proper land utilisation is hampered often, the small size of holdings render them unprofitable to cultivate.
(ii) There is useless expenditure and waste of time in moving labour, cattle, seed, manure and irrigation water from one plot to another, and in bringing the harvested crop to a single threshing floor.
(iii) Supervision of farm operations becomes difficult.
(iv) Expenses on irrigation, farming, drainage etc. increase;
(v) Access to the scattered fields becomes difficult during the crop season and leads to disputes and tensions over trespass etc.
(vi) Fragmentation of a holding results in loss of land on boundaries.

68.4.6 As a counterpart of consolidation of agricultural holdings, the problem of fragmentation has to be tackled to the extent possible. Without adequate provision for this, the advantages of consolidation are likely to be gradually neutralised, if not nullified, over a period of time. Legislation in some States such as Punjab, Bihar, Maharashtra etc., incorporate provisions for prevention of fragmentation but these provisions have not been enforced with any degree of vigour because of certain practical difficulties. There is, for instance, a provision for restriction on transfer by sale, gift or otherwise of any land which would result in a fragment. Considering the variety of conditions obtaining in the States, it would not be

practicable to adopt a uniform definition as to what may be termed as fragment. It has been suggested some times that the idea should be as to what is the minimum size of a holding which could be considered economically viable. This leads one to the question of determining the so called 'floor area'. Any attempt to prescribe a floor area is fraught with difficulties and may even cause consternation among small and marginal farmers who have no means of enlarging their holdings. It is, therefore, recommended that the transfer of a portion of land which would result in fragmentation should be so regulated as to discourage creation of new fragments. Partition of a plot which results in a fragment should normally be prohibited. Transfer by sale etc., should be permissible only to contiguous cultivators in order of preference as follows:

(i) if the contiguous tenure holder is a collateral of the transferer—such collateral—and if there are more than one collaterals having contiguous holdings the preference will be in the order of preference of succession as prescribed by Hindu Succession Act; and

(ii) in all other cases the preference will be in the ascending order of holdings' size of the contguous right-holders.

In order that such restrictions do not peg the price to the detriment of the alienator some mechanism of fixation of fair price should be considered. The State Government should also assume the right of pre-emptive purchase.

68.4.7 The plain areas of Punjab, Haryana, Uttar Pradesh and other States where underground water potential fit for irrigation exists and holdings with more than one block had been carved out as a result of consolidation, they may be reconsolidated to create one block holdings, where needs of irrigation demand such reconsideration.

68.4.8 The smallness of size has to be accepted as more or less an immutable fact in the short run. The experience of such countries as Japan where inspite of the average size of holdings being very much smaller than in India the average yield is very much higher, should give us some hope.

5 PRINCIPLES AND TECHNIQUES OF CONSOLIDATION

Legislation

68.5.1 As already mentioned, the history of consolidation in India dates as far back as 1905 when voluntary consolidation was

undertaken in the Central Provinces. Similar measures were introduced in Punjab under the Cooperative Societies Act, 1912 and in United Provinces in 1925-26. During the period 1920 to 1940, several other provinces such as Central Provinces and Bihar and Jammu & Kashmir State made attempts at consolidation of holdings. Not much headway could be made because of the voluntary nature of the schemes which gave free play to the expression of traditional reluctance of tenure-holders to part with their lands, even though it was favourable to them.

68.5.2 Persons with vested interests like having possession in joint holdings or on common land of the village in excess of their share and enjoying adverse possession of land of others would resist the voluntary introduction of the consolidation scheme and, if introduced, they would retard its progress by opposing it at every stage. The experience has shown that differences do arise when land is actually parcelled out and men with conflicting interests form opposing groups and the dominating ones tend to harm the interests of the weaker groups and would attempt at making the scheme fail. It also disallows compactness to be achieved.

68.5.3 After Independence, compulsory consolidation replaced voluntary consolidation in almost all the States where agrarian reforms had already been undertaken and the way paved for further land reform measures. Experience in Punjab, Haryana and Uttar Pradesh with compulsory consolidation has given spectacular results and it has revealed that what could not be done in 30 to 40 years earlier, has been achieved in less than half that period. In view of the fact that voluntary consolidation has not succeeded, we recommend that consolidation scheme should be made compulsory in all areas of the country fit for consolidation.

68.5.4 Now considering the state of consolidation legislation in various States of India, certain basic flaws in most legislations are apparent. For proper implementation of the consolidation of holdings scheme, comprehensive, self-sufficient, procedural legislation is an essential prerequisite.

Considering all aspects of the matter, we recommend that the following criteria which may be kept in view in framing legislation on consolidation should be adopted:

(i) Consolidation laws should be independent of all Central or State laws governing ownership, disposal or other treatment of agricultural land, without containing anything contrary to the land policy laid down in other substantive laws.

(ii) Consolidation laws should be drafted in simple language using terms prevalent in the countryside, as in Uttar Pradesh, Punjab, Haryana and Himachal Pradesh.

(iii) The Act should provide for direct dealings with tenure holders and consolidation officials should themselves keep in contact with the cultivators and decide even little disputes by reconciliation by informal consultations and discussions with the contending parties and other persons. Intensive · and repeated discussions must be carried out at every level with the village people preferably in the village itself. The procedure should ensure fullest possible information to all concerned at every important stage, because consolidation would succeed to a great extent if cultivators are kept fully aware of the areas, valuation, possession and title of their own holdings as also of others. This will also inspire confidence in the villagers about the work being done.

(iv) The Act and Rules should require a Patwari to measure out the fields, the consolidator to carry out the 'partal' (checking) and the Assistant Consolidation Officer to evaluate the plots, prepare statements for reservation of areas for common purposes and draw up consolidation scheme in the village after consultation with the village people.

(v) While land consolidation is undertaken, the land of small holders, marginal farmers and the surplus and waste land available for distribution to new assignees should be consolidated in compact blocks. Such a step will facilitate the adoption of a policy of directing the flow of future public investments in irrigation and land development for the benefit of the under privileged. They should be induced to undertake agricultural operations on cooperative basis and take advantage of community irrigation wells which would be very economical for them.

68.5.5 Consolidation operations should not be allowed to linger on inordinately. We recommend that a time limit should be fixed for completion of every stage including the disposal of cases. In a village of average size it should not take more than one year at the most to complete the operations and give possession over newly carved parcels of land. The consolidation laws should envisage at least one and not more than two remedies for redress of grievances against the Court of first instance.

68.5.6 Experience has shown that unless reasonable time limit is fixed for disposal of writ applications filed in High Courts, expeditious completion of consolidation cannot be ensured. The measure should, therefore, be adopted to ensure that Writs relating to consolidation cases are disposed of within a period of six months from the date of presentation. In this regard, State Governments should request the High Courts to assign one or more judges, as may be necessary, exclusively for hearing such Writs.

68.5.7 It is found that if title cases including correction of mistakes relating to the village map or records and partition of holdings continued to be tried in civil or Revenue Courts, it would take inordinately long time to complete the consolidation operations enabling transfer of new parcels of land to tenure holders. We, therefore, recommend that all cases pending in any Court of law whether at trial stage, appeal or revision stage should abate and should be allowed to be subsequently raised in Consolidation Courts which alone should have jurisdiction to decide such cases till the operations last.

6 PROCEDURES

68.6.1 The procedure of land consolidation varies from State to State depending upon the land-tenure system, socio-economic conditions, layout of holdings, their size and dispersal, variations in soils and other factors. Broadly speaking, the techniques can be divided into certain chronological stages as follows:—

(i) initiation of operations;
(ii) formation of Advisory Committees;
(iii) correction of records and maps;
(iv) settlement of disputes of title;
(v) valuation of land for purpose of exchange;
(vi) statement of principles;
(vii) reservation of land for common purposes;
(viii) coordination between consolidation and other departments;
(ix) framing of the consolidation scheme, its preparation, publication and confirmation;
(x) transfer of possessions;
(xi) revision of records, preparation of new records of rights; and
(xii) denotification of the area under consolidation.

The stages of work are explained in detail in the succeeding paragraphs.

Initiation of Operations

68.6.2 In the case of States where consolidation operations are conducted on compulsory basis a notification placing a suitable area under consolidation operation is issued and the issue of the notification results in the enforcement of certain conditions and prohibition of certain transactions. In certain States like Uttar Pradesh, Bihar, Orissa etc., the jurisdiction of Civil Courts is barred and the relevant power for the decision on such matters is transferred to the consolidation authorities. On the other hand in Punjab, Haryana and Himachal Pradesh suits relating to the determination of rights, titles etc., in land continue to be decided by Civil Courts.

68.6.3 Reconnaissance survey is to be undertaken to identify villages fit for consolidation. The reconnaissance team consists of one Consolidation Officer, 2 Consolidators and 10 Consolidation Lekhpals, also known as Consolidation Patwaris. The period normally taken in undertaking reconnaissance of a consolidation unit is 3 months. Villages where major areas are subjected to fluvial action, intensive soil erosion, prolonged waterlogging or having a large area of barren lands, old fallows or saline land on large areas under betel leaves or such flowers as are used for extraction of essence are excluded from the scheme of consolidation.

Formation of Advisory Committees

68.6.4 Advisory Committees are constituted at three levels for guiding policy as well as for giving advice on matters relating to land consolidation. The three levels are the macro level of the State as a whole, the meso level of the district and the micro level of the village. The functions of the Advisory Committees at the State and the district levels are exclusively advisory, whereas those of the village committee have an element of decision making and implementation also. In Uttar Pradesh the members of the village consolidation committee are elected from amongst the members of the land management committee with nominees from harijans and the landless as members. In Haryana and Punjab the village committees are comprised of all the members of the village panchayat, a few progressive farmers and two representatives of the harijan community and other rural labour. The village advisory committee plays a very important part in setting apart land for common uses and also in the matter of principles to be adopted for the framing of and carving out new consolidation holdings. It is recommended that the

Advisory Committees should be constituted at State, district, and village levels.

Correction of Records and Maps

68.6.5 A proper set of records and maps reasonably corrected and brought up to date is an essential precondition to all consolidation operations.

Settlement of Disputes of Title

68.6.6 In the case of Uttar Pradesh, as already stated, the jurisdiction of all Courts including the Supreme Court as well as the High Court in appeal as well as revision is barred as soon as an area is brought under consolidation operations. Pending cases are abated and the disputes have to be reopened in Consolidation Courts. In all other States the jurisdiction of the normal Civil or Revenue Courts continues to be operative. The two different procedures and implications thereof were examined thoroughly and it was concluded that in the interest of speed, convenience of tenure-holders and economical working of the operation the decision of the cases relating to disputes in and title to land should be entrusted to authorities concerned with the consolidation operations and jurisdiction of Civil Courts should be barred through legislative enactment.

Valuation of Land for Purpose of Exchange

68.6.7 Any scheme for exchange of land must necessarily involve its valuation in advance in order to ensure that each party to the arrangement for exchange gets an equitable deal. Every State has made provisions for the principles on which valuation of land is to be determined. The prevailing methods for arriving at the valuation of the land could be classified into three modes: (a) valuation based on productivity; (b) valuation based on market value; and (c) valuation based on rental value. The third method based on rental value has been found to be outmoded. The second method of market value does not find favour with farmers as those having interest in cultivation only would not take highly valued areas with potential for habitation or industrial development, at present used for cultivation, in exchange for equal areas, sometimes, with higher agricultural productivity, but assessed at low value. It is also not easily understood by the illiterate village people who cannot even compre-

hend assessment of value by this method. It is recommended, therefore, that the method of assessment of value based on productivity be uniformly adopted. The first method, based on intrinsic worth in terms of agricultural productivity of each field, valuation should also take into account the evenness of the surface, quality of land, source of irrigation, situation and distance from the village, market or road and other improvements. The procedure adopted to evaluate fields in accordance with this method is that a responsible official goes round the village and selects a few plots which are regarded by common consent, including the advice of the village advisory committee, to be the best plots in the village rating them at the value of 100 in terms of units. Taking these plots as the best, the values of the remaining plots are worked out according to their relative worth compared to the plots of 100 units. Valuation of trees, huts, buildings, wells and tanks is also carried out. The value of each field as well as the trees etc., is noted in the list of field numbers in a particular register so that after transfer, the necessary monetary values be adjusted or paid by the person in whose possession they come, to the earlier owner. The valuation of fields etc., is to be communicated in writing to the persons concerned through pass books prescribed for the purpose and published in the village.

Statement of Principles

68.6.8 The consolidation staff is assisted by the village advisory committee in drawing up the principles on which the consolidation is to be done in a particular village and this is known as 'Statement of Principles'. For this purpose, the village is divided into blocks according to the type of soil, physical conditions and value of land. *Pro rata* deduction from holdings is made in order to meet the requirement of the areas needed for common purpose.

Reservation of Land for Common Purposes

68.6.9 In the States of Punjab, Haryana and Uttar Pradesh a certain area of the land is deducted as contribution by tenure holders in proportion to their holdings for common purposes for replanning and development of villages. Section 17 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 lays down that wherever in preparing a scheme for the consolidation of holdings, it appears to the Consolidation Officer that it is necessary to amalgamate any road, street, lane, path, channel, drain,

tanks, pasture or other land reserved for common purposes with any holding in the scheme, he shall make a declaration to the effect stating that it is proposed to extinguish the rights of individuals over the said road etc., which would be transferred to a new road, lane etc. as laid out in the scheme of consolidation. These provisions were further enlarged under Rule 16(2) of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949 providing that land shall also be reserved for other common purposes under section 18(c) of the Act out of the common pool of the village at a scale prescribed by the Government from time to time. The Rules were further elaborated to a considerable extent in 1960 and the land had to be reserved compulsorily for roads, extension of *abadi* sites for non-proprietors, water courses, tanks, manure pits, wells for drinking water, public latrines, schools and play grounds, cremation grounds, panchayat ghar etc. In addition to these there were certain optional reservations, such as fuel plantations, grazing grounds, threshing and winnowing grounds, rural dispensaries, first aid centres, veterinary dispensaries, road side bus stands, storage for fuel and fodder, mela ground and other allied purposes. Provision was made in the Act for securing necessary contribution from tenure holders for allotment of land for public purposes. We recommend that reservation of land for common purposes should be an unfailing feature of each consolidated village or estate. The team of the Programme Evaluation Organisation, Planning Commission which made survey in 1969 in a number of States reported the results of allotment of land in the villages visited by it as shown in Table 68.3.

TABLE 68·3

Survey of Allotment of Land in Villages for various Common Utility Purposes before and after Consolidation

(hectares)

Item	Uttar Pradesh		Punjab	
	Before consolidation	After consolidation	Before consolidation	After consolidation
1	2	3	4	5
panchayat ghar . . .	0·38	1·42	Nil	3·72
village roads	132·03	173·72	263·56	439·40
schools	0·06	5·86	2·02	34·39

1969. Survey Conducted by the PEO Planning Commission.

1	2	3	4	5
sports and recreation . . .	Nil	0.88	1·21	5·85
public latrines	Nil	0·93	..	4·85
water channels	4·77	21·26	47·10	133·84
cremation grounds	4·18	12·53	28·06	39·38
village site	136·99	175·95	43·39	94·26
ponds	76·17	83·57	152·49	160·15
temples	0·32	0·22	1·32	19·86
village hospital	..	..	..	5·22
pasture land	53·95	59·38	..	..
wells for Harijans . . .	..	..	0·30	2·34
compost pits	Nil	29·05	..	22·07
miscellaneous	12·73	35· 84	9·87	25·91

There appears to have been considerable improvement in the allotment of land for common purposes, so far as the statistics go.

68.6.10 The time honoured features of land consolidation in countries in which it has a long history as in Denmark are the improvements in irrigation facilities, soil conservations, reclamation of land, streamlining of the system of communication, creation of agro-economic facilities for agricultural pursuits and rendering of uneconomic into economic holdings. In comparison, consolidation in India has only touched a fringe of the problem. Attention has been paid to replanning inter-village and intra-village roads, providing water channels and reserving land for common purposes. Formal recognition appears to have been given to the desirability of associating irrigation and public works organisations for this purpose, but the requisite degree of emphasis on programmes which would have made a substantial impact on agricultural improvement has been lacking. This matter needs a somewhat closer attention so that the basic planning of consolidation may be harnessed to the purpose for which it is meant.

Coordination between Consolidation and Other Departments

68.6.11 The effectiveness of land consolidation is nowhere more in evidence than in the improvement in the irrigation facilities. In

village after village in Uttar Pradesh, Haryana and Punjab tubewells multiplied tenfold after consolidation. It is, therefore, of prime importance that along with rectangulation, each village should be contoured and after contouring the plan of water channels proposed jointly by the consolidation and irrigation agencies. Consolidation process requires a lot of knowledge of agriculture. It would be advantageous to have an agronomist on the team of Consolidation Officers for consultation at the Consolidation Officer circle level. It would also be desirable to align soil conservation with consolidation and for that joint schemes should be drawn up and started only after consolidation has been completed.

Farming of the Consolidation Scheme

68.6.12 After the records have been corrected and a new map has also been prepared on the basis of the corrected records, the Assistant Consolidation Officer proceeds to formulate proposals for the consolidation of the holdings. The basic principle is to allot land to the tenure holder in the place where he has the largest parcel. The provisional consolidation scheme is prepared in consultation with the villagers and is then published. The draft consolidation scheme when ready is published by the Consolidation Officer in the village and any person who is aggrieved with the proposals made can file an objection before the Consolidation Officer who hears the objection and announces his decision after spot inspection. The Settlement Officer decides further objections and confirms the scheme in the village. The tenure holder can also go up in revision before the Deputy Director, Additional Director/ Director (Consolidation of Holdings) for the redress of his grievances, if any.

Transfer of Possession

68.6.13 For the transfer of possession a specific time is fixed when the consolidation staff goes to the village and demarcates the land as allotted to each of the tenure holder and places the tenure holders in possession of their new areas. As soon as the transfer of possession is made the new tenure holder has the same rights and titles in respect of the land over which he is placed in possession as he had in the land previously owned by him. Normally the transfer of possession takes place before the commencement of the next agricultural year during the season when fields are vacant and with-

out any crop. At a number of places it is noticed that influential sections of the village have taken forcible possession of the plots allotted to weaker sections as habitation sites. There is no agency to restore possession to such sufferers. Litigation in Civil Courts to get back the possession is beyond their reach. We, therefore, recommend that revenue authorities should be empowered to restore the possession of land to the allottees. A major weakness of the programme was that consolidation was done without taking effective steps to ensure security of tenure to tenants, particularly sharecroppers. It would be desirable that before land consolidation operations are begun all tenants including sharecroppers should be identified, their rights should be recorded and permanent and heritable rights should be conferred on them so as to eliminate the chances of ejectment of insecure tenants.

Revision of Records and Preparation of new Records of Rights

68.6.14 The maintenance of village records and keeping them uptodate is the responsibility of the revenue authorities almost in all the States. Once the consolidation operations are completed, the consolidation authorities prepare the following records which are afterwards handed over to the revenue authorities:

(i) a map of the village showing the new consolidated plots;
(ii) a record of rights giving particulars of the tenure holders and the plots held by them;
(iii) a list in which the new plots and the corresponding plots from which they have been carved out are shown; and
(iv) a statement showing the compensation which has to be recovered or paid to the tenure holders in respect of trees and other such property transferred from one tenure holder to another as a result of consolidation. Two sets of records are made in most of the States, one set to be kept in the record room and the other to be handed over to the staff for day to day working.

Denotification of the Area under Consolidation

68.6.15 After transfer of possession of new blocks has taken place and new records of rights are prepared and handed over to the revenue authorities, a notification under suitable provisions of the laws in the State is issued declaring the termination of the consolidation operations as a result of which the area reverts to the jurisdiction of normal Courts.

7 SURVEY AND RECORD OF RIGHTS

Survey

68.7.1 There are two kinds of surveys—one topographical made by the Survey of India and the other cadastral or field survey made by Patwaris working under the Settlement Officer, Consolidation. Topographical survey deals with villages as a whole, mapping their boundaries and showing main topographic features such as village habitation, roads, canals, streams, rivers etc. The cadastral survey marks on the village map the boundaries of every field and by means of it the areas of fields are determined and shown in the *Jamabandi* (periodical record of rights). The village map prepared by the Patwari is known as *Shajra Kishtwar* in Punjab. The copy of the map prepared from the district massavis (mapping sheets) is brought uptodate by comparing it with the working copy of the map with the Patwari. A copy of the village map used for repartition is prepared from the district copy of the massavis and when the fields are numbered and the broken boundaries are filled and inked, a village map is traced from these *massavis* on a piece of cloth for Patwaris' use and on the *massavis* for record in tehsil office.

68.7.2 In composite Punjab, the Survey Department of India had laid rectangles of 3,000 acres (1215 ha) each in some tracts, which were further divided in small rectangles of 100 acres (41 ha) each. These rectangles were divided into four rectangles of 25 acres (10 ha) each. The rectangles of one acre (0.4 ha) each following the longitude and latitude lines are then laid at site by dividing the sides of the 25 acres (10 ha) rectangles into five equal parts. Where facility of rectangulation laid by Survey Department of India is not available then the same is done by fixing base line in each estate.

68.7.3 The rectangulation in the plains has following advantages:

(i) it ensures uniform look of fields as against the irregular shape of old fields;

(ii) the incidents of encroachment are reduced which indirectly reduce boundary disputes and fruitless and expensive litigation.

(iii) the paths to be aligned for newly allotted blocks will be straight and short;

(iv) determination of area of each piece of land in rectangular shape is easier even for illiterate tenure holders for determination of seeds quantum, labour charges, alienation transaction etc.;

(v) with straight water-channels and even shaped fields there

is much greater convenience and much less waste in use of water;

(vi) there is great saving of time in seasonal crop inspection and Senior Revenue Officers can exercise supervision more effectively than under the old system; and

(vii) where roads are to be laid or drain and irrigation channels are to be dug up, the existence of rectangles makes the preliminary survey easier and results in saving of time and expense.

Since the country has adopted the metric system, we recommend that where consolidation operations are yet to be introduced, the rectangles should be formed in terms of metres and hectares following Geodetic Survey and the help of the Survey of India should be sought to lay rectangles of big magnitudes.

Record of Rights

68.7.4 The first step in the proceedings of consolidation of holdings in a village with the issue of notification declaring Government's intention to prepare the consolidation scheme is to bring the record of rights uptodate by the staff appointed for carrying out the operations. Village maps and current *jamabandi* are the two items that need immediate attention.

68.7.5 The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 provides that the Consolidation Officer shall cause to be prepared a new record of rights giving effect to the repartition and orders made in respect thereof. Such record of rights shall be deemed to have been prepared under Section 32 of the Punjab Land Revenue Act, 1887. Similar provisions have also been made in this respect in almost all other States in their respective Consolidation Acts. By virtue of these legal provisions, the necessity of framing new record of rights where regular settlement is due is eliminated. The record prepared under the Consolidation Act has the same legal significance and value as the one prepared at regular settlement under the Land Revenue Act. The State Governments should take advantage of consolidation in reducing the cost of regular settlement, where due, by undertaking it immediately after the completion of consolidation operations.

68.7.6 In Punjab, Haryana and Himachal Pradesh the permanent record consists of *Misal Haqiyat* (standing record of rights), village map, *Khasara Girdawari* (village field inspection register), Field Book and *Khatauni Paimaish* (record of rights according to confirmed repartition). These are duly attested by the Assistant Consolidation

Officer and Consolidation Officer. Similar provisions exist in other States also. The contents of record of rights in Punjab, Haryana, Himachal Pradesh and Union Territory of Delhi are as below:

(i) a preliminary proceeding;
(ii) a field map (*Shajra Kishtwar*);
(iii) an index of filed numbers;
(iv) an alphabetical index of individual holders in the village;
(v) a genealogical tree (*Shajra Nasab*);
(vi) a *Jamabandi,* i.e., a register of *Khewats* of owners and tenants, showing fields comprised in each, the revenue for which each owner is responsible and the rent payable by each tenant;
(vii) a statement of revenue assignment and pension;
(viii) a statement of rights in wells;
(ix) a statement of rights in irrigation, if any, from other sources;
(x) a *wajib-ul-arz* i.e. a statement of customs respecting rights or liabilities in an estate;
(xi) orders of Settlement Officer determining the assessment; and
(xii) the order of the Settlement Officer distributing the assessment over holdings.

68.7.7 The procedure for preparation of *Misal Haqiyat* or standing record of rights as a result of consolidation is different from that adopted at settlement. The entire land of village is repartitioned or converted into new holdings after making provisions for common purposes and for the land allotted as homestead to persons helping directly or indirectly in agricultural operations. A *Khatauni Ishtamal* i.e., the current record of rights brought uptodate is also prepared. It contains ownership-wise details of land holders, tenants, field numbers, their areas with classification of land revenue/rent payable by owners/tenants. A *Naksha Haq Darwar* (statement of entitlement) is also prepared which shows all the holdings of a tenure holder at one place together with the value of plots comprised therein, the total valuation of the holding and net allotable valuation after deducting the areas contributed by him for common purposes and homestead.

68.7.8 The repartition is carried out by the Assistant Consolidation Officer on behalf of the Consolidation Officer according to the repartition scheme allocating areas of different grades at their major portion—the quantum of area being what is indicated in the *Naqsha Haq-Darwar*. The repartition is checked by the Consolidation Officer and after such amendments as he considers proper, it is published in the village and new holdings demarcated on the spot and their boun-

daries are also shown in the map which is also published. The details of the published repartition are conveyed in writing to each right-holder. After hearing objections and giving effect to orders passed in appeal the repartition is confirmed by the Consolidation Officer. The partition so confirmed is completely reflected in the preparation of a statement which is shown as *Khatauni Paimaish* (individual record of rights of owners and tenants prepared according to confirmed repartition). The mutations are then entered—one of *Ishtraq* (pooling of the area into a common holding of the entire body of the owners and others) by which the entire area of the village is pooled into a common holding of the entire body of the owners and the other of the *'Taqsim'* (repartition) showing the area allotted to owner or a group of owners with shares clearly defined. The latter when attested by the Assistant Consolidation Officer will form the basis for the preparation of standing record of rights. The procedure described in the preceding paragraph is adopted in the States of Punjab, Haryana, Himachal Pradesh and Delhi where the scheme provides to the staff, "Statement of Principles" to be followed in the carving of blocks for the land holders in lieu of their pre-consolidation holdings in repartition. A list of revenue assignment and pensions is completed for every village. A statement of rights in wells and *Jhallars* (lift irrigation) is also prepared.

68.7.9 All papers forming part of the record are prepared by the Patwari who should see that no new work be taken in hand until all the documents mentioned in the preceding paragraphs are fully completed. The field Kanungo during his visits to the Patwari circle will supervise the preparation of all these documents and will check them personally while being prepared. He will attest the record prepared by the Patwari in the presence of the right-holders. The Assistant Consolidation Officer will also do the attestation and check 25 per cent of the record after personally satisfying himself that the mistakes pointed out by him and the field Kanungo have been rectified. The Consolidation Officer will visit the village after final attestation by the Assistant Consolidation Officer and will check the prescribed percentage of each paper and attest them in the presence of the right-holders and record a certificate.

8 ORGANISATIONAL AND ADMINISTRATIVE SET UP

68.8.1 It is now widely acknowledged that compulsory introduction of consolidation scheme is an imperative necessity all over the country. Its introduction will have to be taken in hand sooner or

later in all such States where the consolidation scheme has not yet been envisaged or where it had to be dropped after partial enforcement. It would be desirable to give a modest start to the scheme of consolidation in a limited area of the State rather than introducing it all over the State simultaneously. To start with, a compact group of villages may be taken up for the introduction of the scheme on pilot basis so as to enable the field staff to gain experience and popularise it among the villagers by bringing home to them the benefits which would accrue as a result of consolidating their fragments into compact holdings. The scheme can be extended to other areas keeping in view the demands of the right-holders and the availability of the experienced staff.

68.8.2 A study of the administrative and organisational set up in different States deployed for consolidation shows that the staffing pattern differs from State to State which is perhaps necessitated because of local conditions prevailing in each State. In some of the States like Maharashtra, Gujarat, Bihar, Madhya Pradesh and Himachal Pradesh no separate Head of the Department for the scheme of consolidation has been appointed. However, in States like Punjab and Uttar Pradesh separate Head of Departments for the scheme is provided for at the State level. In the initial stages of the partial enforcement of the scheme in a State it may be desirable by way of economy to give dual charge to the Director of Land Records to look after the work of consolidation also. But when the scheme gets into full momentum, it should be desirable to appoint a separate and independent Head of Department in each State so that he could devote undivided attention to the successful implementation of the scheme of consolidation in the State.

68.8.3 Sometimes the office of the Settlement Officer is away from the area of operation. This arrangement is irrational and wasteful and is disadvantageous to right-holders. To enable him to exercise proper supervision over the staff working under him, the headquarters of the Settlement Officer should be at the district headquarters in which the work is being done. The Consolidation Officer should be of the status of a Tehsildar who would control and supervise the field staff under him. He will prepare and publish the scheme of consolidation and hear objections against repartition. He will also transfer possessions and do the final attestation of the new record of rights and its consignment. The Assistant Consolidation Officer should be of the status of a *Naib* Tehsildar who would ensure the achievement of the targets fixed for his circle. He would carry out valuation of each field number and would assist the Consolidation Officer in the preparation of the scheme and to carry out repartition and preparation of the final record of rights. He will also effect recovery of the

consolidation fee. The Consolidator/Kanungo would carry out hundred per cent check of the work done by the Patwaris under him and would also be responsible to give physical demarcation of new plots after repartition to each right-holder in the village. The Patwari would be responsible for rectangulation, preparation of the basic record and preparation of the final record of rights. In order to maintain a close watch over the progress of work regarding the implementation of the scheme of consolidation in the State we recommend that a suitable norm of performance for each Patwari should be fixed by each State taking into account the local conditions.

68.8.4 There is no doubt that there is scope for malpractices and corruption in the consolidation of holdings operations. We feel that the standard of integrity can be raised through closer supervision, rigid control, surprise checks, appreciation of good work and strict disciplinary measures. The staff for consolidation of holdings should be taken on deputation so that there is no difficulty about its absorption after the completion of the consolidation programme.

68.8.5 A watch dog committee at consolidation officer circle level constituted by representatives of farmers, landless labourers, local Members of Legislative Assemblies and Chairmen of block samitis may be constituted. It will have a watchful eye on the working and behaviour of the staff towards public bringing to the notice of authorities, malpractices and corruption.

68.8.6 Flying squads headed by a Consolidation Officer of known integrity should be set up and attached to the Head of Department. The squads will make surprise raids to go into complaints of corruption and make suitable recommendations for action against guilty officials.

68.8.7 Training centres of short duration should be set up for imparting training to the revenue staff and the officers of the rank of Assistant Consolidation Officer and above should also be imparted practical training under the direct control and supervision of the Director, Consolidation of Holdings so that they can properly guide the staff under them regarding the technicalities of consolidation.

9 INTEGRATED APPROACH TO CONSOLIDATION OF HOLDINGS

68.9.1 The recent policy of ceilings on holdings is bound to release small uneconomic plots scattered all over the village. More often than not, these bits of land will form unviable units of cultivation. Such pieces of surplus land should be consolidated at one place, when the consolidation of the village land is done. It is in this sense that

consolidation of holdings becomes an integral part of a rational policy of land reforms and assumes greater importance today than it ever did before. Again, consolidation of holdings as an integral part of land reform policy should prohibit transfer of a fragment except to a contiguous tenure holder. So far, the major focus of the consolidation process has been on consolidation of the land of a holder at one or two places to enable him to make better and economic use of his farm resources. But the consolidation process has never been treated as an integral part of an integrated programme of development of the village. To make it more effective, its scope should be extended to cover such major aspects, which form an integral part of the socio-economic development of the rural areas. Perhaps the best place to make start would be to conduct contour survey as an integral part of the process of consolidation of holdings, otherwise the natural outlets of water may be lost in the process. The construction of irrigation and drainage facilities after consolidation based on an incomplete contour survey may lead to erosion of benefits obtained from consolidation.

68.9.2 Contour survey and other capability classification are essential prerequisites to any sound process of agricultural planning and more so of a consolidation process. Land development can be general or specific where soil conservation is to be effected by reducing the velocity of rain water and by raising contour bunds. When more than one estate is involved, the project needs to be outlined before actual repartitioning of the land; but when there is a question of improving individual plots, whether by institutional assistance or by the cultivator himself, it can be taken up by the individual cultivator after his land is consolidated. Otherwise also, contour bunding could be done after consolidation is completed. A map with rectangular fields of the village under consolidation normally goes to the Irrigation Department for the alignment of water channels and fixation of outlets. But the experience shows that irrigation and drainage have not received adequate attention. Recognising that irrigation and drainage constitute a major advantage in consolidating the land, it is necessary that a layout based on orientation of level and gradient be prepared in advance for each village or a group of villages and this plan is not changed during the consolidation operations. A close co-ordination should be maintained between the agencies which instal and maintain irrigation projects, and the consolidation agency. This has generally not been done with the result that the ridges and the contours formed after consolidation operations act as hindrance to the success of irrigation and natural drainage. A master plan for inter-village as also intra-village roads should be prepared to ensure

that the existing links are made more efficient by being strengthened and by improvement of gradients. The consolidation operations should not make much of a modification such a master plan.

68.9.3 The common village land is generally scattered at several places in a village, which makes its management all the more difficult. As a rule, such land should be consolidated at one place and two blocks should be an exception. These lands can be used for production of fodder, grasses and fuel wood plantations vital to the village economy particularly to small and marginal farmers and agricultural labourers as already recommended in our Interim Report on Social Forestry. They can also be utilised for developing agro-based industries to be able to provide jobs for the rural people. Land should also be reserved during the consolidation proceedings out of the common village land or common pool at a scale prescribed by the State Government for various common purposes as is being done in Punjab and Haryana. The land reserved for habitation sites for non-proprietors like Harijans, landless labour etc., should be earmarked for individuals and not set apart as a common piece of land for the entire body of the non-proprietors to be subsequently partitioned by the panchayat or other agencies. This is necessary as it would facilitate securing of loans and would not delay the construction of works. The consolidation procedures should be so streamlined that the whole process takes minimum time to be completed. Otherwise farm investments will be adversely affected and similar will be the effect on agricultural production.

10 SPECIAL PROBLEM AREAS

Rice Growing Areas in Southern States

68.10.1 In spite of its obvious advantages, the scheme of consolidation of holdings originally did not find favour with some of the rice growing areas, particularly in the southern States of Tamil Nadu and Kerala. The question arises why the farmers of these States are not keen when consolidation of holdings can help them get their scattered fragments consolidated at one or two places which, in turn, would make their land, labour and water-use much more efficient. Obviously they have some difficulties which need careful examination. In the first place, most of these States have very small holdings. For example, as will be seen from Table 68.4, nearly 60 per cent of the holdings in Kerala are less than 0.4 ha in size. According to 1971 Population Census, the land-man ratio in Kerala was 0.18 hectare (0.10 hectare of cultivated land).

TABLE 68.4

Percentage Distribution of Operational Holdings in Kerala according to Sizes[1] (1966-67)

Size of operational holdings (ha)	Percentage of operational holdings
Below 0.40	59.70
0.40—1.01	22.09
1.01—2.02	10.09
2.02—4.05	5.59
4.05—6.07	1.50
6.07—8.09	0.37
8.09—10.12	0.20
10.12 and above	0.46

[1]1968. Survey of land reforms in Kerala 1966 : Trivandrum, Bureau of Economics and Statistics.

68.10.2 Again, in the past, the consolidation scheme did not hold much attraction where the number of fragments happened to be very small. Nearly 68 per cent of holdings in Kerala (covering about 44 per cent of area) are located at one place, with an average number of plots per holding being 1.9. About 85 per cent agricultural land holders holding 80 per cent of the total wet land area, do not have a scatter of more than 3 fragments of land as is clear from Table 68.5.

TABLE 68·5

Fragmentation of Holdings in Kerala[1]

Number of places in which holdings are scattered	Number of holdings	Percentage of total number of holdings	Area covered (ha)	Percentage of total area
1	2	3	4	5
1	1,313	68·47	1,248·82	43·67
2	295	15·38	420·27	14·69
3	134	6·98	341·96	11·96
4	66	3·44	399·35	13·96
5	24	1·25	49·68	1·74
6	18	0·94	18·00	0·63
7	13	0·67	35·51	1·24
8	8	0·42	36·16	1·26
9	11	0·57	33·22	1·16
10	9	0·47	37·87	1·32
More than 10	27	1·41	239·36	8·37
Total	1,918	100·00	2,860·20	100·00

[1] 1965. Report on Consolidation of Holdings, Trivandrum, Board of Revenue p. 182.

Thus in all such areas where the problem of fragmentation of land is not so serious, the importance of consolidation has apparently not been fully appreciated.

68.10.3 It has, however, been observed that even within such States as Kerala, the problem of fragmentation was much more serious in some districts than in others. As will be seen from Table 68.6, Alleppey and Ernakulam districts had much more serious problems of fragmentation than the other districts of the State. It is in such areas that a pilot scheme of consolidation of holdings should be tested. Once it succeeds there, it could be tried in other areas of the State.

TABLE 68·6

Districtwise Number of Fragments Per Holding in Kerala (all types of holdings)[1]

Size of operational holdings— (ha)	District								
	Cannanore	Kozhikode	Trivandrum	Quilon	Alleppey	Kottayam	Ernakulam	Palghat	Trichur
1·01—2·02	3·26	1·43	2·94	3·56	4·08	2·60	3·95	3·69	3·39
2·02—4·05	3·80	3·08	3·54	2·43	7·13	2·54	5·01	4·74	4·15
4·05—6·07	3·83	5·67	8·03	4·08	8·28	3·61	10·96	4·74	6·94

[1]1968. Survey of land reforms in Kerala 1966, Trivandrum, Bureau of Economics and Statistics.

68.10.4 The land use capability, classification and consumption patterns of the local population also hamper the process of consolidation. The terrain in Kerala for example is so varied and uneven, and the cropping patterns so different from one part to the other, that formation of comparable blocks of holdings becomes difficult. This is because the soil type varies so much among the paddy lands, garden lands and high lands. Besides most of the farmers own small piece of paddy, coconut and tapioca lands. Their family consumption patterns are oriented accordingly. Such farmers would naturally find it difficult to give up any one of these types of land for the sake of consolidation, unless the scheme of consolidation provides them with some special incentives.

68.10.5 Valuation of land also presents a problem in the States where such perennial crops as coconut, arecanut and mangoes predominate. The assessment of land in such situations for the settlement of claims becomes difficult. This factor should receive great emphasis in the training programmes of the staff which will be used for the consolidation of such lands.

68.10.6 One of the great advantages of consolidation is that a farmer finds it economical to install a tubewell, a pumpset or a

surface well on his consolidated piece of land. But in States like Kerala where most of the cultivation depends on rainfall and not on irrigation, the farmers do not see any special advantage in consolidating their land. Similarly, mechanisation or tractorisation is not a very economical proposition on small holdings and consolidation offers little help, especially where perennial crops are intercropped with seasonal crops in the dry land regions. These difficulties should be kept in view while formulating a practical scheme of consolidation.

68.10.7 An argument is sometimes advanced that consolidation is more difficult in such States as Kerala where village is more often an administrative rather than a sociological unit and homesteads are scattered all over the village, which makes it difficult to identify the village boundaries. The practical difficulty faced in exchange of one homestead for another is recognised but if there are any areas where differences in soil types and land use capabilities do not present a serious problem, it would be a good idea to push the scheme of consolidation with homesteads as nuclei.

68.10.8 Multiplicity of tenurial systems and absence of uptodate record of rights also presents some difficulties in implementing the scheme of consolidation. But these difficulties are not insurmountable. The revenue staff of the State should bring the record of rights uptodate wherever such records are incomplete or do not exist. Simplification of the tenurial system may be done through land reform measures.

68.10.9 In most of the paddy growing areas in Southern States, there exist large tracts of paddy land which have a uniform cropping pattern. These areas present ideal conditions for demonstrating the benefits of consolidation. The "*Yela*" programme, which is under way in some of the rice tracts of Kerala, is a good example of how agricultural operations can be performed successfully through consolidation as well as cooperative activity. Here all land included in one *yela* or a contiguous area of land, more or less homogeneous in nature, is used for paddy cultivation. Such homogeneous areas form a block and all the major operations in such a block are carried out under the supervision of an elected committee. All land holders irrespective of the sizes of their land holdings are induced to participate in this project and share the cost according to the sizes of their holdings. Unlike the cooperative or joint farm societies, there is no pooling of land involved. Each holder is free to cultivate his land as he pleases, except for the selection of good seed, tractor ploughing and application of pesticides, where a common programme is planned out executed through the local committees. Such co-

68.10.10 At any rate, more recently, it is noticed that the farmers and State authorities have greater appreciation of the benefits of consolidation. They are now willing to accept the programme as a pre-planned sequel to the implementation of land reforms in order that, in the first instance, the tenancy rights are secured and ceiling laws enforced and, then in the next phase of land development, the agricultural holdings are consolidated.

Dry Farming and Arid Areas

68.10.11 By their very nature, arid areas, such as western Rajasthan have extremely erratic, variable and low rainfall. Even so agriculture and animal husbandry are the chief sources of livelihood there. So far as Rajasthan is concerned, the distribution of agricultural holdings by size and number of fragments per holding in central and lower Luni Basin of the State are indicated in Table 68.7.

TABLE 68.7

Size of Agricultural Holding and Number of Fragments per Holding in Lower Luni Basin of Rajasthan[1]

Size (ha)	Number of fragments							
	1—3	4—6	7—9	10—12	13—15	16 and above	Total number of fragments	Percentage of total
below 6·5	513	114	33	12	4	5	681	36·4
6·5—12·9	279	125	42	14	6	3	469	24·7
12·9—19·4	163	85	34	10	7	2	301	16·0
19·4—25·9	89	66	15	4	5	2	181	9·6
25·9—32·4	46	33	9	3	..	..	91	4·8
32·4—38·8	20	16	9	4	1	1	51	2·7
38·8—45·3	12	16	7	1	3	..	39	2·1
45·3—51·8	8	7	3	3	..	..	21	1·0
51·8—58·3	9	2	..	1	3	..	15	0·8
58·3 and above	10	14	3	2	2	5	36	1·9
Total	1,149 (60·9)	478 (25·4)	155 (8·2)	54 (2·9)	31 (1·6)	18 (1·0)	1,885 (100·0),	100·0

[1]Bose A. B. & S. P. Malhotra, 1971. Proceedings of Symposium in Problems of Indian Arid Zone. 269. Jodhpur

The study of correlation between size of agricultural holdings and number of fragments per holding indicates that number of fragments decreases with the size of holdings.

68.10.12 In Haryana, Mahendragarh and Bhiwani districts, Nahar and Sahlawas areas of Jhajjar tehsil of Rohtak district and some parts of Gurgaon district have almost the same dry climatic conditions as in Rajasthan. The consolidation work in all the above areas in Haryana has been carried out successfully and the difficulties have been overcome. Whatever little area was left out in the earlier stages is being taken up now for consolidation. There was good response from the public in these areas and people have certainly benefited from the consolidation. Appendix 68.2 shows the position of consolidation work in dry areas of Haryana State. It would be seen that in Mahendragarh district out of 721 villages, consolidation work in 718 villages has already been completed. It is interesting to note that in Mahendragarh and Rawari tehsils of this district which are practically dry and where one-third of the area consists of brakish water zone, consolidation work has been completed in all the villages. As far as Bhiwani district is concerned, out of 470 villages 327 villages have already been consolidated whereas in 32 villages consolidation is in progress. Most of the remaining villages are also going to be taken up for consolidation in the near future as there is a demand from the people for consolidating their areas. So is the case with Jhajjar tehsil of Rohtak district.

68.10.13 In view of the undoubted production benefits and operational economy which accrue from consolidation of holdings, we recommend that the programme should be taken up in desert and arid areas of the country also. If publicity is given about the various benefits of consolidation, the agriculturists whether in Rajasthan or other arid and dry areas, would accept the programme. The only distinction which needs be made is in regard to areas under pastures and grasslands which are in sufficiently large blocks. In such areas consolidation is hardly necessary and it is desirable to promote grass reserves and cattle breeding as the most economic land use pattern.

Hilly Areas

68.10.14 In high altitudes where cultivation is practised only on shifting basis, such as Jhum areas of Meghalaya, Nagaland, Manipur and Mizoram, the question of consolidation of holdings in the conventional sense does not arise. In these areas it is more a problem of soil conservation than that of consolidation of scattered or fragmented parcels of land. Indeed, as a variation of consoli-

dation techniques, we would like to emphasise that a realignment of ownership boundaries along the contours, followed by terracing, is likely to yield more positive benefits.

68.10.15 However, the hilly areas of Himachal Pradesh, Jammu & Kashmir and Uttar Pradesh present a different situation. The villages in those areas consist of a number of sub-villages called *tikas* (sub-estates) in Himachal Pradesh. Each *tika* has different agronomical conditions which determine its own production patterns. This problem should be kept in view in any scheme of consolidation.

68.10.16 Nevertheless in most of the hilly areas, terrace cultivation has been an age-long practice. Since it is one of the basic principles of consolidation that exchange must occur extensively if any results are to be achieved, consolidation may not be attempted in hilly areas where the scope for exchange of land is rather limited. However, some areas of Himachal Pradesh, such as the Kangra district, present a much better scope for consolidation and a good beginning has already been made with such areas for demonstrating the merits of consolidation of land. By and large, it has been demonstrated in Himachal Pradesh that consolidation of holdings is feasible at altitudes upto 762 metres and yields positive economic benefits by way of larger produce and economy of farm management. Consolidation of agricultural lands in hill areas should be supplemented with schemes of lift irrigation and gravity flow for maximising the output.

68.10.17 There is general apprehension amongst the owners of apple orchards, tea and coffee gardens etc. that as a result of consolidation they might lose these valuable assets. To satisfy such owners the practice of treating orchards etc. as separate blocks for purposes of re-partition in the States where consolidation operations are in progress is considered to be realistic and necessary. This practice may be followed in the States where scheme of consolidation is yet to be adopted.

68.10.18 The normal practice in the plains is that land of individual farmer is consolidated at one or two places, or at the most three places in the village. The people in the hilly areas have an apprehension that if their land is consolidated in the same fashion, they may lose good paddy growing land and get in exchange poorer soils where maize can hardly be grown. In Himachal Pradesh as also in the hilly areas of Pathankot tehsil of Punjab, the land in each village under consolidation is generally grouped under the following categories with a view to safeguarding the interest of the landholders:

(i) block of land producing paddy only;

(ii) block of land producing only one crop other than paddy;
(iii) block of land fit for growing two crops;
(iv) block of land subject to fluvial action of a river or stream;
(v) land under orchard, fruit garden, tea plantation etc; and
(vi) land under pasture.

68.10.19 In most cases the fields in the hilly areas are shaped into terraces along the contours. The shape of terraced field should be kept intact as far as possible after the consolidation. Where sub-division of a terraced field becomes inevitable in order to make up the total valuation in respect of a landholder, it should be done carefully so that the sub-divided terrace can assume compactness and not lose its topsoil.

Riverine Areas

68.10.20 In Punjab, Haryana and Uttar Pradesh where consolidation operations are progressing well, certain terrains had to be excluded from operation in the earlier stages. States with little or no experience could not tackle the problem as the practical implication of the scheme is yet to be properly understood and resolved. The problem of riverine tracts had to be confronted by the States with advanced consolidation technology when it could no longer be evaded due to pressure of demand by the land-holders of such areas who, by now, were fully aware of the consolidation benefits. The examination of the problem reveals that riverine areas can be categorised as discussed below:

(i) Sandy strip along the river bank is subject to flooding and erosion and remains submerged under water sometimes for years together. The cultivation is precarious and when undertaken, it involves no investment other than on seed. The rightholders attached no value to field boundaries which, in fact, do not exist due to almost continuous river action. Scatteredness of holdings is insignificant as most of the tenure-holders have one long stretch of land in their possession. Such strips need not be consolidated.

(ii) Area next to the strip lying along the bank is usually under inundation and interspersed by stretches of land fit for cultivation. It may be termed as 'mid-land'. Its width usually ranges between 0.52 and 0.75 km. It is slopy, slope being gradual, except at a few places

where there is a deep dip in the level. This area also remains under water for about four months during the rainy season and yields good paddy crop. In this tract scatteredness varies from one to five places and field boundaries are generally defined. Consolidation of such tract is feasible and should be attempted only at the request of the land-holders. Care must be taken that higher level land should not be exchanged for land in this tract where cultivation is uncertain.

(iii) Upland strip is the safest area in an estate which is seldom subject to river action. Even in cases of heavy floods, the water stands for a few days leaving the silt deposits and making it more fertile than before. The field boundaries exist intact and the area yields two good crops—one that can be sown and harvested before the floods and the other after the floods. The tenure-holders would like consolidation of this tract to be done and area exchanged for creation of compact blocks within the tract.

11 PRIORITIES AND FINANCING

68.11.1 Prior to the launching of the First Plan an area of 1.209 million hectares was consolidated. During the First, Second and Third Five Year Plans, areas of 3.22, 7.51 and 12.15 million hectares respectively were consolidated in the country, thus making a progressive total of 24.089 million hectares by the end of the Third Plan. For the next three Annual Plans—1966-67, 1967-68 and 1968-69—an area of 4.890 million hectares was consolidated. During the Fourth Plan, the likely achievement is 10.347 million hectares against the target of 9.424 million hectares. Thus by the end of the Fourth Plan, the total area consolidated would come to about 39.326 million hectares since the inception of the programme. Statewise break up of area fit for consolidation, area consolidated upto the end of the Fourth Plan and the target of 14 million hectares for the Fifth Plan is given in Appendix 68.1. An outlay of Rs. 24.25 crores has been provided for the programme in the draft Fifth Plan.

68.11.2 The total area still required to be consolidated as would be clear from Appendix 68.1 comes to about 137.2 million hectares. Each State will determine the quantum of area for consolidation for

each five year plan period and in the annual plan depending upon the availability of trained staff and other resources. Concerted efforts will, therefore, have to be made to cover the rest of the area according to a phased programme and with a measure of acceleration it should be possible to complete the programme in the five year plans. The programme may have to be implemented on a high priority basis particularly in Southern and Eastern States where hardly any work has yet begun. In the implementation of the programme, priority should be given to irrigated areas and command areas of newly completed irrigation projects.

68.11.3 Initiation of consolidation scheme in a State should follow legislative sanction. It is, therefore, essential that each Legislature should pass consolidation law, generally entitled as the Land Holdings (Consolidation and Prevention of Fragmentation) Act taking advantage of the experience gained by other States particularly those which have already completed or are nearing completion of the consolidation work. The States of Punjab, Haryana and Uttar Pradesh feel that implementation of the scheme with the consent of the right-holders has not proved effective and several years' efforts did not yield encouraging results. The maximum speed in processing the scheme can be attained only after the State Government assumes power to frame the scheme of consolidation for any area on their own initiative without waiting for the consent of the persons concerned.

68.11.4 The selection of area in the first instance is to be done for the introduction of the scheme. The reconnaissance team comprising a few Patwaris, Kanungos and Assistant Consolidation Officers headed by a Consolidation Officer should undertake the survey of the area and select a compact block preferably with the following features:

(i) It should be a plain area with big potential of underground water fit for irrigation or area already under irrigation.

(ii) Next priority for consolidation of holdings should be given to the command areas during the process of land development and soil conservation as well as those command areas of newly completed irrigation projects.

(iii) The soil should be without much variation to make the work of valuation and transfer of possession easier.

(iv) The tenurial system should be simple.

(v) The inhabitants of the area should be progressive with readiness to respond to the scheme.

(vi) The basic land records must be in proper shape so as to

be capable of being brought up-to-date within a short period of time.

68.11.5 In the selected area advance publicity in favour of the scheme is needed which may take the form of organising meetings of the influential farmers of the area, radio programmes, display of posters and films, visit of the selected farmers to other areas where the scheme had been successful and creation of forums of progressive farmers. This will ensure sufficient mobilisation of public opinion to make the farmers psychologically receptive to the scheme before it is actually initiated. Thus the first phase of the programme will consist of (a) adoption of legislative measure, (b) setting up of reconnaissance team for survey and selection of areas fit for consolidation, and (c) advance publicity. This, in fact, will be a pragmatic step of preparatory nature to achieve speedy processing of the scheme.

68.11.6 The personnel of the organisation to be set up to undertake the consolidation work are to be drawn from the Revenue Department. They are to be imparted training in consolidation procedures and techniques. For this purpose services of officers already trained may be utilised in centres specially opened to train the staff. The training period may vary from three to six months.

68.11.7 The State level officer entrusted with the implementation of the scheme will place the staff in position at levels from village the consolidation circle and confine their activities in the initial stages to the smallest controllable area. The work will start by bringing up-to-date the village maps and record of rights by village level staff strictly controlled, guided and supervised by the trained officers. The basic record will be utilised for the preparation of the scheme after evaluation and preparation of the statements for reservation of areas for common purposes and of principles to effect repartition. The proposal of new holdings determined according to the Statement of Principles will be published and objections, if any, against it decided. After appeal and revision, the proceedings will end in the transfer of possession, preparation of new records of rights and de-notification of the area transferring the work to Revenue Department. The staff, thereafter, can be shifted to the contiguous area and this process will continue till the area fit for consolidation in a State is completed. Thus the trained staff will be engaged to process the scheme through various stages till it is completed.

68.11.8 In estimating the cost one has to determine first the extent of area to be consolidated which would broadly comprise of culturable waste, fallow land including current fallow and net area sown in different States as given in Appendix 68.1. The cost of

consolidation depends upon various factors such as topography of the region, extent of fragmentation of holdings, level of agricultural technical know-how, social awareness of the concerned community and other related factors. Accordingly, the cost in plains would be different from the cost in hilly tracts. Similarly the cost in a conscious rural society which voluntarily comes forward for consolidation operations would be less to the Government *vis-a-vis* a reluctant society where first the Government has to take initiative, propagate the benefits of consolidation and then actually take up these operations at their own cost. There are certain States which have taken up the consolidation work entirely at their own expense, while some others have taken such operations by getting a fixed amount per unit from the cultivators. Thus the cost of consolidation per unit area is a complex issue and no single figure is applicable throughout the country.

68.11.9 Some idea of cost of consolidation in different States can be formed from the data given in Appendix 68.3. However, these data collected from State Governments have to be scrutinised in some detail. The cost of consolidation per hectare varies from State to State and year to year. For example, the cost per hectare was as low as Rs. 8.74 in Maharashtra and Rs. 12.60 in Gujarat in 1971-72 but in the same year the cost was Rs. 37.70 in Uttar Pradesh and Rs. 82.00 in Haryana where consolidation has made spectacular progress. In the hilly areas of Jammu & Kashmir and Himachal Pradesh, the cost naturally was higher and was Rs. 93.09 and Rs. 91.07 respectively during 1971-72. Several measures enumerated below can be considered for reducing the cost of consolidation:

(i) Cost can be reduced if the consolidation is done in a compact unit. Say, starting from one tehsil and then moving to the other rather than scattering the work all over in the district or the State.

(ii) The scheme should be introduced on compulsory basis and not on the consent of the majority of right-holders, as in the latter case unwilling elements resort to securing the issuance of stay orders at one stage or the other and thereby prolonging consolidation proceedings and causing greater expenditure.

(iii) Operation should not be given up in any estate as in that case the whole cost would go waste.

(iv) The staff to be deployed for the purpose should be well experienced in revenue work, honest and efficient and

imparted training in the practical work of consolidation.

(v) Supervision over staff should be effective so that the schedule fixed for each year is carried out in its entirety.

(vi) Frequent inspections and checks over activities of the staff should be organised by senior officers so that with proper guidance the efficiency is increased.

(vii) Possession should be transferred as quickly as possible after the re-partition is published as delay invites revocation and this increases the cost of consolidation.

(viii) The scheme should be started in areas inhabited by enlightened farmers fully aware of the advantages of consolidation as backward and unprogressive farmers do not respond well to new and progressive measures.

68.11.10 In Punjab and Haryana the State charges a sum of Rs. 12.50 for one hectare consolidated (leaving unculturable waste area where no charges are levied), in Uttar Pradesh 50 per cent is realised from tenure-holders, in Andhra Pradesh Rs. 2.50 per hectare is charged for the actual area exchanged and in Union Territory of Delhi Rs. 20 per hectare are charged on the cultivated area. While adopting all possible avenues of economy in cost, a reasonable percentage of cost should be realised from the beneficiaries to reduce the financial burden of consolidation work on the State Governments. The small and marginal farmers should be exempted from the payment of cost of consolidation of their land. Twenty-five per cent central financial assistance in the form of grant should be paid to the State Governments on account of expenditure on the programme undertaken on the land of small and marginal farmers. There should be an effective machinery for periodic assessment of progress of consolidation programmes.

SUMMARY OF RECOMMENDATIONS

68.12.1 The main recommendations are as under:

1. The advantages of consolidation of holdings are likely to be neutralised over a period of time if curb on fragmentation is not imposed. The partition of holdings, if it results in fragmentation, should be prohibited and alienation by sale, gift and mortgage may be permissible in favour of contiguous tenure holders in order of preference as follows:

(i) to the collateral contiguous right-holder if one exists and if there are more than one contiguous collaterals, the

preference will be in order of preference of succession as prescribed by the Hindu Succession Act; and

(ii) in all other cases the preference will be in the ascending order of holdings' size of the contiguous right-holders.

In order that such restrictions do not peg the price to the detriment of the alienator, some mechanism for the fixation of fair price should be considered. The State Government should also assume the right of pre-emptive purchase.

(Paragraph 68.4.6)

2. In some States as a result of consolidation, holdings with two or more blocks have been created. Land holdings in such States be reconsolidated to create one block holdings if the underground water potential is fit for irrigation and the area is plain.

(Paragraph 68.4.7)

3. As voluntary scheme for consolidation of holdings, wherever introduced, did not make much headway on account of reluctance of right-holders to part with their ancestral land and opposition by vested interests who are always placing obstacles to retard the progress, the scheme should be made compulsory in all areas of the country fit for consolidation.

(Paragraph 68.5.3)

4. While framing a legislation on consolidation, the main criteria that should be kept in view are that

(i) the legislation is independent of other Central or State measures governing the ownership, possession, title to holdings and disposal or other treatment of agricultural land; and

(ii) the legislation should clearly provide for determination of value of land, draw-up of scheme and reservation of areas for common village needs in consultation with the people and the advisory committee, measurement and preparation of record of rights by the field staff and checking thereof.

(Paragraph 68.5.4)

5. The consolidation operations should not be allowed to linger on inordinately. A time limit should be fixed for completion of every stage of consolidation proceedings including the disposal of cases and transfer of possession depending upon the area of the village. The consolidation law should not envisage more than two remedies against the court of first instance.

(Paragraph 68.5.5)

6. To speed up progress of consolidation, the disposal of Writ Petitions within six months of the date of presentation is an essen-

tial requisite. The State Governments may request the High Courts to assign one or two Judges, as may be necessary, exclusively for hearing such Writs.

(Paragraph 68.5.6)

7. In areas under consolidation, cases relating to right in or title to land, if continued to be tried and decided by Civil or Revenue Courts, would entail inordinate delays in the matter of transfer of possession and completion of consolidation proceedings. All such cases, other than Writ Petitions, pending in any Court of Law whether at trial, appeal or revision stage, should abate and be allowed to be subsequently tried by Consolidation Courts which alone should have jurisdiction to decide such cases till the operations last.

(Paragraph 68.5.7)

8. To associate right-holders in the consolidation of their land-holdings, advisory committees be formed at State, district and village levels. These should represent the interests of land-holders and landless labourers particularly those who directly or indirectly draw their livelihood from land income. The village committee will play an important role in the evaluation of land, carving out of blocks, reservation of areas for common purposes and homesteads. The committees at State and district levels will have advisory functions.

(Paragraph 68.6.4)

9. Three different methods one based on productivity, the other on market value and the third on rental value, are adopted in the country for determination of the value of the land. Market value method is too complicated and illiterate farmers do not comprehend it easily. The third method of valuation based on rental value is found to be outmoded. The first method, which also takes into account the evenness of the surface, type of soil, facility of irrigation, proximity to inhabited site of the village, market or road and similar other factors, is very popular as the farmers can avail of their age-long experience of observing crops sown in the field for assessing their values. It should be uniformally adopted in the country. The determined values of fields, trees, tanks, wells and buildings on land should be communicated to farmers in writing through pass-books prescribed for the purpose.

(Paragraph 68.6.7)

10. For the replanning and development of villages, reservation of land for compulsory common purpose like roads, extension of abadi sites for proprietors and non-proprietors, water courses, tanks, manure pits, schools, playgrounds, panchayat ghar, public latrines etc. should be made. Reservations should also be made for fuel

plantations, worshipping places, grazing grounds, threshing and winnowing grounds, rural dispensary, road-side vehicle stand, storage for fuel and fodder, fair and festival grounds and other allied purposes on option basis. Since such reservations are essentially required for the convenience, use and improvement of living conditions of residents, these should form an unfailing feature of all consolidated villages.

(Paragraph 68.6.9)

11. To avoid waste of time and labour, it would be desirable to align the soil conservation programme with consolidation for which joint scheme be drawn up and soil conservation works started only after the completion of consolidation of holdings operations.

(Paragraph 68.6.11)

12. It is noted that there is a tendency among the influential sections of the villages to oust forcibly the weaker sections from the areas allotted to them as homestead sites. Restoration of possession through Courts of Law entails financial hardship beyond their means. It is, therefore, recommended that revenue authorities may be empowered to restore the possessions of land to such allottees.

(Paragraph 68.6.13)

13. The rectangulation of land provides right-holders with fields of uniform shape and size, convenience for irrigation and cultivation. With straight water courses, there is great convenience and much less waste in the use of water. Boundary disputes and the consequential litigation are almost eliminated. Seasonal crop inspection is made easy and supervision is rendered effective and efficient. The process of planning for the tract becomes much easier particularly when new village roads are to be aligned and water-channels dug. These considerations should be kept in view while suggesting the adoption of rectangulation in plain areas to be brought under consolidation.

(Paragraph 68.7.3)

14. Legal significance attached to the new records of rights prepared as a result of consolidation is exactly the same as that attached to those prepared during regular settlement. Regular settlement operations, where due, should be commenced immediately after the consolidation is completed as it would reduce the settlement cost.

(Paragraph 67.7.5)

15. The scheme of consolidation is not to be spread over the entire State all at once. To provide publicity and experience to the staff, a pilot scheme covering a compact group of villages in a tehsil

should be undertaken and thereafter it should be extended to other areas.

(Paragraph 68.8.1)

16. The consolidation scheme when in full swing needs undivided attention at the State level. To implement it an officer, with experience in revenue work, may be appointed as Head of the Department.

(Paragraph 68.8.2)

17. Sometimes the office of the Settlement Officer is away from the area of operation. To enable him to exercise proper supervision over the staff working under him, the head-quarters of the Settlement Officer should be at the district headquarters in which the work is being done.

(Paragraph 68.8.3)

18. In order to maintain a close watch over the progress of consolidation work and to ensure achievement of targets, a suitable norm of performance should be fixed for each Patwari.

(Paragraph 68.8.3)

19. There is scope for malpractices and corruption among the consolidation staff. The standard of integrity can be raised through closer supervision, rigid control, surprise checks, appreciation of good work and strict disciplinary measures. The staff for consolidation of holdings should be taken on deputation so that there is no difficulty about its absorption after the completion of the consolidation programme. Flying squads headed by a Consolidation Officer should be set up and attached to the Head of the Department. They should make surprise raids to go into complaints of corruption and make suitable recommendations for action against guilty officials.

(Paragraphs 68.8.4 and 68.8.6)

20. To keep a watchful eye on the working of the staff, their behaviour towards public and to prevent mal-practices it is necessary to have a watch-dog-committee.

(Paragraph 68.8.5)

21. The Revenue staff needs training in consolidation procedures and practice. Training centres of short duration should be set up for this purpose. The officers of the rank of Assistant Consolidation Officer and above should also be imparted practical training in consolidation under the direct control and supervision of the Director of Consolidation of Holdings so that they may be able to guide properly the staff working under them.

(Paragraph 68.8.7)

22. For an effective management and to increase the income potential, village common lands which at present are scattered over a large number of pieces, should be consolidated as far as possible in

one block. Land reserved as homestead sites for harijans and landless labourers should be earmarked for individuals and not set apart as a common plot for the entire community to be subsequently divided among them by the village panchayat or other agencies. This is necessary as it would facilitate securing of loans and would not delay the construction of houses.

(Paragraph 68.9.3)

23. In some districts of the State of Kerala, the problem of fragmentation is much more serious than in others. In such areas a pilot scheme of consolidation of holdings should be tested. Once it succeeds there, it could be tried in other areas of the State.

(Paragraph 68.10.3)

24. Absence of uptodate revenue records and complexity of tenurial system should not present much difficulty in the adoption of the scheme as the former can be brought uptodate by the concerned revenue agency and the latter can be simplified through land reform measures.

(Paragraph 68.10.8)

25. The rainfall in the dry areas is low, erratic as well as sporadic. The topographical and soil characteristics of holdings in the same locality may vary greatly. The difficulties experienced in the districts of Mohindergarh and Bhiwani of Haryana State have since been successfully resolved. There was good response from the farmers benefited by the consolidation. In view of the undoubted production benefit and operational economy accruing from the consolidation of holdings, the programme should be taken up in dry and arid areas of the country also.

(Paragraphs 68.10.12 and 68.10.13)

26. Consolidation should not be attempted in hilly areas where terrace cultivation is practised and scope of exchange land is limited.

(Paragraph 68.10.16)

27. The practice of treating apple orchards, coffee and tea gardens, etc., as separate blocks during consolidation operations is rational and necessary. This practice should continue.

(Paragraph 68.10.17)

28. The cost of consolidation can be reduced if the consolidation is done on a compulsory basis in a compact unit inhabited by progressive farmers and without abandonment of proceedings at any stage. The staff to be deployed should be well trained, honest and efficient. Targets should be achieved through strict supervision and frequent inspection. Possession should be transferred quickly to avert Writs for revocation of repartition.

(Paragraph 68.11.9)

29. The cost of consolidation depends upon different factors like topography, extent of fragmentation, social awareness of the people and level of prevailing technical 'know-how' and several other related factors. Therefore, no uniform rate can be fixed for the country as a whole. Reasonable charges should be realised from the beneficiaries to reduce the financial burden of the State Governments. The small and marginal farmers should be exempted from the payment of cost of consolidation of their land, twentyfive per cent Central financial assistance in the form of grant should be paid to the State Governments on account of expenditure on the programme undertaken on the land of small and marginal farmers.

(Paragraph 68.11.10)

30. There should be an effective machinery for periodic assessment of progress of consolidation programme.

(Paragraph 68.11.10)

APPENDIX 68·1

(Paragraphs 68·11·1 and 2, and 68·3·3)

Statewise Area fit for Consolidation, Area Consolidated upto the end of the Fourth Plan and the targets for the Fifth Plan

(Area in '000 ha)

State	1971-72[1]					Area consolidated upto Fourth Plan[2]	Fifth Plan targets[2]
	Culturable waste land	Fallow land other than current fallow	Current fallows	Net sown area[2]	Total of col. 3—6 (cultivable area)		
1	2	3	4	5	6	7	8
Andhra Pradesh	1,042	855	2,332	11,269	15,498	355	..
Assam	184	166	115	2,235	2,700	..	..
Bihar	509	903	1,847	8,276	11,535	300	607
Gujarat	552	392	796*	9,322	11,062	1,207	405
Haryana	37	(a)	159	3,567	3,763	183	121
Himachal Pradesh	163	2	60	548	773	233	16
Jammu & Kashmir	165	11	90	706	972	23	..
Kerala	78	21	24	2,187	2,310	..	..
Karnataka	593	644	850	10,331	12,418	1,009	810
Maharashtra	1,490	1,473*	1,261	16,576	20,800	9,768	6,073
Manipur	(b)	(a)	(a)	140	140	..	..

APPENDIX 68.1 (Contd.)

1	2	3	4	5	6	7	8
Madhya Pradesh	2,116	865	686	18,461	22,128	3,552	1,215
Maghalaya	..	..	..	162	162	..	..
Nagaland	..	..	..	62	62	..	..
Orissa	771	95	623	6,119	7,608	..	1,717
Punjab	80	..	126	4,076	4,282	9,126(e)	..
Rajasthan	6,112	1,884	1,762	15,263	25,021	1,730	..
Tamil Nadu	479	540	861	6,348	8,228	..	..
Tripura	2	2	3	240	247	..	..
Uttar Pradesh	1,325	554	899	17,317	20,095	11,773	3,036
West Bengal	(b)	160	(c)	5,712	5,872	..	..
Other Union Territories	251	129	64	448	892	87(d)	..
All India total	15,949	8,696	12,558	139,365	176,568	39,326	14,000

[1]Col. Nos. 3 to 6—Directorate of Economics & Statistics, Ministry of Agriculture & Irrigation.

[2]Col. Nos. 8 and 9—Planning Commission, Government of India, private communication. (Col. 8 includes likely consolidated area for years 1971-72, 1972-73 and anticipated for 1973-74).

*Adjusted

(a) below 500 hectares
(b) Included under the head 'land under miscellaneous tree crops and groves, etc.
(c) Included under the head 'Fallow land other than current fallow'.
(d) Only for Delhi.
(e) This figure is for the erstwhile Punjab which included Haryana and part of Himachal Pradesh.

APPENDIX 68·2

(Paragraph 68·10·12)

Position of Consolidation Work in Dry Areas of Haryana State[1]

Unit—ha

Name of tehsil	Total number of villages/ area	Total number of villages/ area consolidated	Total number of villages/ area yet under action	Total number of villages/ area yet to be taken up	Number of villages/area unit for consolidation of holdings
Mohindragarh	134/83,654	134/83,654	..	..	..
Rewari	355/124,816	355/124,816	..	..	..
Narnaul	222/95,442	219/91,993	1/277	1/2,638	1/533
Total of Mohindragarh district	721/303,912	718/297,453	1/277	1/2,633	1/533
Bhiwani	113/142,903	36/107,839	4/6,631	23/28,463	..
Bhiwani Khera	55/82,627	52/65,639	3/6,988	..	..
Dadri	191/156,873	132/110,714	19/18,504	40/27,655	..
Loharu	111/120,263	57/45,091	6/16,120	48/59,052	..
Total of Bhiwani district	470/502,665	327/339,283	32/48,213	111/115,170	..
Jhajjar	309/210,749	285/181,378	22/27,717	..	1/1,654

[1]Director, Consolidation of Holdings, Haryana, *private communication.*

(Paragraph 68·11·9)

APPENDIX 68·3

Cost of Consolidation Per Hectare[1]

Rs.

Year	Punjab	Uttar Pradesh	Haryana	Maharashtra	Gujarat	Madhya Pradesh	Mysore	Jammu & Kashmir	Himachal Pradesh	Delhi
1966-67	47·50	26·68	37·72	10·20	17·76	13·31	8·89	127·43	55 58	..
1967-68	56·44	28·82	71·70	7·41	16·75	13·29	16·30	454·68	175·64	60·27
1968-69	61·97	31·37	..	7·15	27·61	13·39	12·84	169·69	78·55	121·03
1969-70	81·21	33·94	64·50	8·20	13·73	19·44	..	103·86	81·88	..
1970-71	82·35	35·30	90·00	7·90	17·96	21·09	..	74·74	114·78	55·58
1971-72	..	37·70	82·00	8·74	12·60	19·59	..	93·09	91·07	52·14

[1]Information collected from the State Governments.

69

AGRICULTURAL LABOUR

1 INTRODUCTION

69.1.1 The class of people who obtain their livelihood chiefly by working for wage can take recourse to three principal means to improve their earnings. Firstly, they can invest in themselves to acquire special skills and capacities commanding high rates of wages in the market. Secondly, they can join together to strengthen their position vis-a-vis the employers at the time of bargaining on wages. Thirdly, they can seek the support of a superior authority like the State to intervene on their behalf in the labour market. The problem of agricultural labourers in India has its roots in the simple but profound truth that they carry on their struggle for survival bare-handed without being able to obtain strength and succour through any of these means. On a superficial view, this may seem to be the result of the inherent characteristics of agriculture in terms of the type of its wage-labour requirements and the many obvious obstacles it places in the way of collective bargaining for wages or their enforcement through law. However, a fuller explanation needs to be sought in the historical circumstances and forces in India which have worked, and continue to work, towards growing proletarisation of population in agriculture.

69.1.2 It is a matter of some controversy whether agricultural labourers existed as a distinct class in the pre-British rural India. It is possible that in the casteist organisation of society the people in the lowest place in the caste-hierarchy belonged to the menial occupations. There is, however, abundant historical documentation of the large scale and extensive additions to the ranks of rural proletariat during the British rule through the late eighteenth and nineteenth centuries owing to forces like new land tenures, monetisation of transactions and decline of village artisans which severely impaired the balance and inter-dependence among the different strata in the rural society and weakened the traditional viability of the rural economy. The growth in the number of agricultural labourers in this context was a product of a process of

disintegration and immiserisation and not of a developmental process bringing in its train occupational diversification. If we understand by the term 'occupation' a mode of livelihood chosen willingly by the earners in that occupation, 'agricultural labour' in this setting was hardly an occupation; it was merely one of the forms assumed by destitution which overtook the erstwhile cultivators and artisans who had been deprived of their traditional occupations.

69.1.3 It is doubtful whether even a beginning has been made towards halting these processes, leave alone reversing them, during the more recent decades of planned development. In fact, all the broad indicators seem to point in the other direction. There can be hardly any doubt about the continuing growth in the number of agricultural labourers despite the statistical problem involved in measuring the increase from one census to the next. It seems obvious from the recent estimates of proportion of population below the poverty-line that over the course of more than two decades of planning the level of living of the bulk of agricultural labourers has undergone little improvement. More specifically, the structural measures to realign the production relations within agriculture in favour of agricultural labourers and other weaker classes and the legislative support to wages in agriculture have little to show by way of concrete results. Ironically, even the spectacular upsurge in agricultural production in the regions of 'green revolution' does not appear to have brought within its wake a uniform and substantial improvement in wages. Thus, neither the general economic development nor agricultural development and not even reform measures through the instrumentality of state in India seem capable of reaching far enough to purvey hope and viability to the class of people who bore the major burden of the immiserising economic transition under the alien rule; while aliens had at least the alibi of being aliens. Independent India has none in extenuation of her record.

69.1.4 It is from this sombre historical perspective that the problems of the agricultural labourers over the coming decades need to be assessed. It is easy to identify the major aggravating factors that are likely to worsen these problems. Firstly, the demographic additions to the labour force over the next about three decades are estimated to be very substantial since the effect of population control measures on labour force would make itself felt with a lag only much later. Secondly, the expansion of non-agricultural avenues of employment is unlikely to be fast enough to provide significant relief to agriculture from the pressure of population for many decades ahead. In fact, there is a noticeable apprehension among

the students of Indian economy that the critical factor in the sustained development in future is not so much the capacity of the agricultural sector to provide increased production as its capacity to do this without throwing out surplus labour. Thirdly, in the absence of basic institutional reforms and effective controls to promote selective mechanisation, technological change in agriculture can easily prove to be a bane rather than a boon to agricultural labourers.

69.1.5 It should be obvious from the above that the problems of agricultural labourers arise not so much from the specific weaknesses and deficiencies of this class as from the basic maladjustment in the total Indian economy due to lack of fast enough growth along with appropriate structural and technological changes. Hence, the principal instrument for tackling these problems is the totality of planned efforts for development. The strategy of development spelled out in the Fifth Five Year Plan explicitly recognise this by treating economic growth not as an end in itself but as an instrument subserving a time-bound programme for removal of poverty. This recognition incorporates within itself the two major lessons to be learnt from the experiences of planning in India so far viz. (a) even fairly fast economic growth fails in our context in providing direct benefits to the poorer classes, and (b) the sectoral and the commodity composition of growth and the corresponding structure of incomes generated by growth should be fully as important objectives of our strategy of development as the rate of growth itself. The experience, in other words, shows that the strategy of "growth by any means to be followed by removal of poverty" is not a viable strategy for cohesive development of Indian society.

69.1.6 The need for a basic reorientation of the strategy of development does not imply that measures and programmes to reach directly at the problems of the agricultural labourers are now no more relevant or important; the implications on the other hand, is that these measures should complement and reinforce the plan programmes rather than remain mere symbolic gestures of good intentions. Conceptually, they fall into three inter-related categories as follows:

(i) measures for intervention in the labour market to support wages and improve working conditions and the long-term measures to foster institutions and organisations among agricultural labourers capable of taking over these functions;

(ii) measures to provide supplementary employment and occupation to agricultural labourers on the basis of a

composite welfare-cum-efficiency criterion with a growing emphasis on the latter component of the criterion; and

(iii) measures to ensure adequate sharing by agricultural labourers in the programmes, such as minimum needs and public consumption, specifically designed for the rural poor.

The measures categorised above are in the nature of direct measures to benefit agricultural labourers in the sense that the target group of these measures consists of people who continue to remain as agricultural labourers. Besides these, agricultural and non-agricultural development programmes as also reforms such as ceiling on land would benefit the class of agricultural labourers by providing them with opportunities either to move out of agriculture or to improve their status within agriculture.

69.1.7 The focus of this chapter is primarily on the direct measures to improve the conditions of agricultural labourers. Some recent indicators of the economic position of agricultural labourers are presented in the next section along with a brief consideration of the economic trends. Sections 3 and 4 discuss the major policies and programmes directed towards regulation of wages, creation of subsidiary occupations and provision of minimum needs, amenities and a measure of protection to agricultural labourers against the harsh insecurities inherent in their occupation. Section 5 indicates a number of considerations which need to be borne in mind while considering the question of phasing and integration of various programmes intended for agricultural labourers. The chapter concludes with a summary of the main recommendations.

2 SOME RECENT INDICATORS OF ECONOMIC POSITION OF AGRICULTURAL LABOURERS

69.2.1 According to 1971 Population Census, agricultural labourers constitute nearly 30.7 per cent of total rural work-force as against only 17.5 per cent in 1961. Their proportion in total agricultural work-force works out to 36.5 per cent in 1971 as compared with 21.7 per cent in 1961. The absolute number as well as the proportion of workers other than agricultural labourers, especially that of cultivators, on the other hand, showed a decline in 1971 over 1961. While these trends may in part be due to the change in the

definition of the term 'worker' adopted in 1971 census, rapid increase in the number of persons in the working age-group seeking to make a living on limited land resources appears to be the main factor responsible for the increased number of agricultural labourers in India's countryside. The demand for the agricultural labourers is also expected to have increased during the past decade although the increase is very likely to have lagged behind the supply of agricultural labourers. It would, therefore, be interesting to have a brief look at the indicators of economic conditions of agricultural labourers, especially during the last about two decades.

69.2.2 There are three major sources of data on daily earnings of agricultural labourers viz., reports of various agricultural labour enquiry committees, data regularly collected by the Ministry of Agriculture and Irrigation and published in Agricultural Wages in India and National Sample Survey (NSS). The first Agricultural Labour Enquiry was conducted during 1950-51. It was followed by second Agricultural Labour Enquiry in 1956-57 and Rural Labour Enquiry in 1964-65. It may, however, be noted that the data for the year 1950-51 are not strictly comparable with those relating to 1956-57 and 1964-65. The imputation of wages paid in kind has been done in terms of retail prices in the first Agricultural Labour Enquiry and wholesale prices in the two subsequent enquiries. The change in the definition of the term 'agricultural labour house-holds' which was based on the criterion of duration of employment in the first Agricultural Labour Enquiry and major sources of income of the household in the latter two enquiries might also affect the comparability of data to some extent.

Trends in Wages

69.2.3 The data presented in Appendix 69.1 show that, at all India level, the average daily earnings of agricultural labourers registered an increase of about 49 per cent during the period 1956-57 to 1964-65. The western zone of the country comprising Gujarat, Maharashtra and Karnataka showed the maximum increase of 62.8 per cent whereas northern zone comprising Rajasthan, Punjab, Haryana, Delhi, Himachal Pradesh and Jammu & Kashmir showed increase of only 25.2 per cent. The data also reveal significant inter-State differences in the rate of wage-increase. The highest percentage increase in average daily earnings was recorded by agricultural labourers in Rajasthan (80 per cent) followed by Orissa (66 per cent), Tamil Nadu (66 per cent) and Kerala (65 per cent). In absolute term, however, the workers of Kerala got maximum wage

rise (83 p) per day followed by Rajasthan (78 p), Assam (67 p), Tamil Nadu (55 p) and Orissa (53 p). The minimum absolute as well as percentage increase was observed in the case of Punjab and Haryana. It should be noted that the percentage and absolute increases have been relatively more in areas where the wage-rates were low in the base period. In the case of Punjab and Haryana, the wage-rates are found to be the highest at every point of time viz., 1950-51, 1956-57 and 1964-65.

69.2.4 The average daily real earnings of male agricultural labourers in 1964-65 are presented in Appendix 69.2. These have been worked out by deflating average daily money earnings by Consumers' Price Index with 1956-57 base year compiled by the Labour Bureau of the Ministry of Labour. However, this could be done for only those States for which the data on Consumers' Price Index for agricultural labourers were available for the period under consideration. The data show that only in six States viz., Madhya Pradesh, Andhra Pradesh, Orissa, Assam, Kerala and Rajasthan the average daily real earnings went up between 1956-57 and 1964-65. On the other hand real earnings declined in the States of West Bengal, Bihar, Karnataka, Haryana and Punjab.

69.2.5 The data available from "Agricultural Wages in India" are regularly collected by the Directorate of Economics and Statistics, Ministry of Agriculture and Irrigation. The operation-wise wage-rates from selected rural centres in each important district of the States are collected every month. However, the centres are changed from time to time which affects the comparability of data. Nevertheless, we feel that the wage-data available from this source are not unsuitable for broad temporal and cross-sectional comparisons. Table 69.1 presents the data on daily wage-rates of agricultural labourers for 1960-61 and 1969-70:

TABLE 69.1

Change in Agricultural Wage-rates 1960-61 to 1969-70*

(Rs. per day)

State	Money-wages		Real wage rates	Change in real wage-rates over 1960-61 in 1969-70
	1960-61	1969-70	1969-70	
1	2	3	4	5
Andhra Pradesh	1·46	2·46	1·40	—0·06
Assam	2·29	3·80	2·04	—0·25

*Information received from the Directorate of Economics and Statistics, Ministry of Agriculture and Irrigation.

1	2	3	4	5
Bihar	1·30	2·70	1·34	+0·04
Gujarat	1·97	2.94	1·73	—0·24
Karnataka	1·67	2·35	1·34	—0·33
Kerala	2·10	4·67	2·31	+0·21
Madhya Pradesh	1 32	2·11	1·02	—0·30
Orissa	1·26	2·15	1·01	—0·25
Punjab	2·81	6·34	3·24	+0·43
Tamil Nadu	1·43	2·65	1·39	—0·04
Uttar Pradesh	1·31	2·61	1·32	+0·01

The above Table shows that money wage-rates have registered significant increases in every State. The increases were quite substantial in the case of Punjab, Kerala, Andhra Pradesh, Assam, Bihar, Madhya Pradesh, Tamil Nadu and Uttar Pradesh. In real terms, however, the wage-rates have declined in 7 out of 11 States for which the data are available. The absolute decline was much more pronounced in Gujarat, Karnataka, Assam, Orissa and Madhya Pradesh. The latter three States had shown increase in the average daily real earnings of agricultural labourers during 1956-57 to 1964-65. Among the States showing increase in real earnings, Punjab and Kerala stand at top. The increases were marginal in Bihar and Uttar Pradesh.

69.2.6 It seems that the rate of change in money and real earnings is largely determined by factors such as level of agricultural development, size of agricultural and non-agricultural labour force, and extent of organisation among the landless agricultural labourers. Punjab, where the rate of increase in money and real wages has been high, has experienced the fastest development of its agricultural sector. The proportion of agricultural labourers to total rural workers in Punjab is found to be lower (25 per cent) than that in several other States where the wage-rates have either registered meagre increases or have declined. Punjab's non-agricultural sector, too, is larger and provides employment opportunities to people thus reducing the pressure of labour supply on cultivated land. The substantial rise in wages of agricultural labourers in Kerala, however, may not be attributed chiefly to either level of agricultural development or size of its non-agricultural sector. Effective unionisation of agricultural labourers and pro-labour attitude of the State Government appear

to have improved the bargaining position of the workers and enabled them to get increased wages. Viewed in this perspective, therefore, one may safely argue that whereas the increase in wages of agricultural labourers in Punjab have been brought about through the interaction of market forces of demand for and the supply of labour in a fast developing agricultural situation, the role of institutional factors of unionisation and conducive Governmental machinery has been more crucial in Kerala.

69.2.7 The third source of data on average daily earnings of agricultural labourers is National Sample Survey. The tables on employment and unemployment in India based on its 25th Round (1970-71) provide data on average daily earnings of two sets of rural population viz. (a) small cultivating households and (b) non-cultivating wage-earner households. For the second group which includes landless agricultural labourers, separate data are also available for those who worked on others' farms for wages or salary. The available data, therefore, can serve the purpose of examining the relative differentials in average daily earnings of agricultural labourers in different States as well as between small cultivators and non-cultivating wage-earners. Table 69.2 presents data on average daily earnings for small male cultivators and male and female agricultural labourers:

TABLE 69.2

Average Daily Earnings of Small Cultivating and Non-cultivating Rural Labourers 1970-71[1]

(Rs. per day)

State	Small male cultivating workers	Non-cultivating male agricultural labourers	Non-cultivating female agriculture labourers	Non-cultivating all agricultural labourers
1	2	3	4	5
Andhra Pradesh	1·92	2·10	1·49	1·81
Assam	3·63	3·77	2·92	3·65
Bihar	2·23	2·25	1·90	2·13
Gujarat	1·95	2·33	1·65	2·07
Haryna	3·64	4·34	2·71	4·18
Karnataka	2·05	1·89	1·49	1·71

[1]1973. 25th round of NSS. July 1970-June 1971 issued by National Sample Survey organisation, New Delhi, Department of Statistics, Government of India.

1	2	3	4	5
Kerala	3·40	4·10	2·24	2·54
Madhya Pradesh . . .	1·69	1·64	1·32	1·51
Maharashtra, ...	2·17	2·20	1·31	1·83
Orissa	1·76	1·83	1·34	1·68
Punjab	4·63	4·91	3·48	4·74
Rajasthan	2·66	2·97	1·88	2·59
Tamil Nadu	2·07	2·38	1·50	2·06
Uttar Pradesh	2·01	2·42	1·59	2·27

In as many as 12 out of 14 States, the average daily earnings of male agricultural wage labourers are found to be higher than the wage-earners among small cultivators. This goes contrary to the general impression that persons with small landholdings may be expected to be better off than the landless agricultural labourers. Even the developed States of Haryana and Punjab show higher daily earnings for landless labourers. It would, thus, appear that the socio-economic conditions of marginal farmers are in no way better than those of landless labourers. Any scheme for reducing the extent of poverty among the weaker sections of rural sector should not, therefore, discriminate between landless labourers and cultivators with small and uneconomic holdings.

69.2.8 Restricting ourselves to non-cultivating male wage-labourers, the data presented in Table 69.2 are found to be in general confirmity with the sources discussed earlier. Punjab, Haryana and Kerala, in that order, show the highest average daily earnings. The daily earnings are found to be lowest in Madhya Pradesh, Orissa and Karnataka. It may be mentioned that the agricultural sector of the latter States has not yet benefited much from the new agricultural technology. In the absence of adequate sources of assured irrigation, the level of cropping intensity and, consequently, the demand for labour, has not shown much improvement in these States during recent years. The proportion of agricultural labourers in total rural workers is also considerably higher in these three States. The wages continue to be low in a situation of excess supply of agricultural labourers in relation to their demand.

69.2.9 The average daily earnings of females are found to be lower than those of male labourers in all the States. Punjab and Haryana, where the earnings of male labourers are higher, also have

higher female earnings. The female wages are also high in the States of Assam and Kerala. Higher daily female earnings in Assam may be due to large concentration of female labourers in plantations. Maharashtra, Madhya Pradesh and Orissa show the lowest daily earnings for their female agricultural labourers as compared to other States. The average daily earnings of male agricultural labourers in these States are also lower than in several other States. However, recently an Ordinance has been promulgated by the Government which enjoins on all employers to pay equal wages for equal work both to men and women.

69.2.10 Historically, child labour has been a characteristic feature of agricultural labour market in India. However, the proportion of child labourers is expected to have declined with the increase in the level of social and economic development. The data of the 25th Round of the NSS on the average daily earnings of child agricultural labourers pertain to children in the age-group below 14 years as shown in Table 69.3:

TABLE 69.3

Average Daily Earnings of Child Labourers, 1970-71[1]

(Rs. per day)

State	Average wages
Andhra Pradesh	1·30
Assam	2·17
Bihar	1·73
Gujarat	1·60
Haryana	3·00
Karnataka	1·12
Kerala	1·74
Madhya Pradesh	1·34
Maharashtra	1·69
Orissa	0·79
Punjab	3·06
Rajasthan	1·23
Tamil Nadu	1·23
Uttar Pradesh	1·28

[1]*Ibid.* 1 (p. 244)

Punjab and Haryana have the highest average daily earnings for children (Rs. 3) followed by Assam (Rs. 2.17), Kerala (Rs. 1.74), Bihar (Rs. 1.73) and Maharashtra (Rs. 1.69). On the whole, the daily earnings of children working as agricultural labourers are close to the daily earnings of female agricultural labourers.

69.2.11 The data on agricultural wages according to nature of employment (casual and attached) of agricultural labourers are not available on uniform basis for the different States. However, a study of agricultural labourers conducted by the Shri Ram Centre for industrial Relations shows that the average daily wages of permanently attached, seasonally attached and casual workers tend to be significantly different. The casual of free wage-labourers reported the highest wages followed by seasonally attached and permanntly attached labourers.[1] The low wages of attached labourers appeared to be due to their assured and longer duration of employment and advances given by their employers before the start of the seasons. However, the proportion of attached labourers was not found to be very high.

69.2.12 Agricultural wages are comparatively less monetised than industrial wages. Notwithstanding considerable monetisation of the rural sector, the wages are still paid in kind in different parts of the country and this is probably much more pronounced during the harvesting season. Though the computation of wages paid in kind is quite difficult, various enquiries have tried to present data on cash and kind wages separately. According to the Report of Rural Labour Enquiry 1964-65, wages received in kind constituted very large proportion of total daily wages of agricultural labourers. The data presented in Appendix 69.1 show that, for the country as a whole, nearly 38 per cent of the wages were received in the form other than cash. The highest proportion of kind wages (51 per cent) was observed in the case of central zone followed by eastern (48 per cent), northern (46 per cent), sothern (30 per cent) and western (19.3 per cent) zones. The Shri Ram Centre Study referred to above revealed that wages in kind constitute 33 per cent of total daily wages of agricultural labourers in Muzaffarnagar and Saharanpur districts. Agricultural labour prefer to receive their wages in kind because of increasing market prices of foodgrains and other essential commodities. Probably, the practice of kind-wages offers them some support to retain their real wage-rates.

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[1]See C. K. Johri and S. M. Pandey; 1972 Some Aspect of Agricultural Labour Problems ; an Exploratory Study, New Delhi, Shri Ram Centre (Mimeographed).

Income

69.2.13 The data on household income collected by the three agricultural labour enquiries in 1950-51, 1956-57 and 1964-65 is shown in Table 69.4:

TABLE 69.4

Average Annual Income of Agriculture Labour Households in 1950-51, 1956-57 and 1963-64[1].

(Estimated at Wholesale Prices)

(Rs.)

State	1950-51	1956-57	1963-64
Andhra Pradesh	381	426	690
Assam	609	755	170
Bihar	535	420	608
Maharashtra	415	450	805
Kerala	486	437	813
Madhya Pradesh	391	336	472
Orissa	340	319	594
Punjab (including Haryana)	686	731	928
Rajasthan	605	336	1,301
Uttar Pradesh	551	373	556
West Bengal	608	657	N.A.
Tamil Nadu	371	375	552
All India	447	437	660

[1]Final Report of the Rural Labour Enquiry (1963-65; 48 Simla, Labour Bureau, Ministry of Labour, 1975 Government of India.

NOTE : Assam includes Manipur & Tripura and Punjab includes Delhi and Himachal Pradesh.

The average annual income of an agricultural labour household went up from Rs. 437 in 1956-57 to Rs. 660 in 1964-65. This represents an increase of about 51 per cent. The average daily real earnings of adult male agricultural labourer in selected States is also presented in Appendix 69.2. In view of divergent trends in the rate of increase in real income and real wage-rates, it is difficult to be sure that the economic development has brought about any substantial gains to agricultural labour households in the country.

69.2.14 The household income of wage-earners is essentially a function of level of wages, duration of employment and number of earners in the household. Unless we are sure that the average number of earners per household has remained more or less constant during 1956-57 and 1964-65, no generalisation of any statistical significance can be made. In a situation of rapidly increasing population we think that at least a part of increase in household income might be attributable to increased number of persons in the working age-groups. We also do not rule out the possibility of favourable efforts of agricultural development on incomes of rural labour households being realised not only through higher wages but also through more regular employment opportunities throughout the year. If this is so, the divergent trends in average daily real earnings and average household income may be compatible. It is quite possible that although the real wage-rate has declined people get employment for longer period of time.

69.2.15 The total household annual income is observed to be the vating wage-earner households for 1970-71 are available for only nine States. These are presented in Table 69.5:

TABLE 69·5

Average Income and Expenditure per Rural Non-cultivating Wage-earner House-holds, 1970-71[1]

(Rs.)

State	Total monthly expenditure	Wage income (annual)	Total incme (annual)	Wage income as % of total income
Gujarat	143·11	1,370·69	1,883·28	72·7
Karnataka	112·69	911·81	1,152·57	79·2
Madhya Pradesh . .	97·54	869·34	1,056·05	82·3
Maharashtra . . .	118·10	1,038·38	1,254.02	82·8
Orissa	87·06	658·85	945·25	69·7
Punjab	188·13	1,687·32	2,476·26	68·1
Rajasthan	124·71	812·03	1,439·46	56·4
Tamil Nadu . . .	108 54	976·67	1,094·88	89·2
Uttar Pradesh . .	117·44	964·49	1,466·41	65.8

[1]*Ibid.* 1 (p. 224)

It will be seen that the non-wage-income constitutes from 11 per cent of total household income in Tamil Nadu to nearly 44 per cent in

Rajasthan. Other States fall in between. These data indicate that some of the non-cultivating wage-earner households also have subsidiary sources of income and employment. A major portion of non-wage income may be coming from self-employed occupations of the working members of the households such as dairying, care of cattle, cottage industries, etc.

69.2.16 The total household annual income is observed to be the highest in Punjab (Rs. 2,476) followed by Gujarat (Rs. 1,883), Uttar Pradesh (Rs. 1,466), Rajasthan (Rs. 1,439), Maharashtra (Rs. 1,254), Karnataka (Rs. 1,152), Tamil Nadu (Rs. 1,095) and Madhya Pradesh (Rs. 1,056). The lowest figure of household income is recorded in the case of Orissa (Rs. 945). The pattern of average annual wage-income per household is also the same. Punjab has the highest wage income of Rs. 1,687 whereas Orissa has the lowest household income of Rs. 659 per annum.

Consumption Expenditure

69.2.17 Punjab also emerges at top in terms of average monthly household consumption expenditure (Rs. 188). The State of Orissa, which occupies the lowest position in terms of household income, also shows lowest monthly household expenditure (Rs. 87).

69.2.18 The figures of average monthly consumption and average annual income presented in Table 69.5 provide useful insights into the nature of family budgets of the households. On the whole, the income and expenditure appear to be evenly balanced suggesting thereby that these households might not have to incur debts for domestic consumption purposes. However, this is likely to be far from true. A part of household income would certainly be going in the form of repayment of old debts. Occasional expenses on social ceremonies and festivals would also have to be accounted for. We may, therefore, conclude that the household income is just sufficient to meet the consumption expenditure provided the amount of outstanding debts is kept more or less same either by not repaying them or by incurring new debts to repay the old ones.

69.2.19 Another way to examine the economic position of non-cultivating wage-earner households is to observe the percentage distribution of households in different per capita consumption expenditure classes. The data presented in Appendix 69.3 reveal that there was no household in Punjab whose monthly per capita consumption was less than Rs. 15. The proportion of such households, however, varies from 3 per cent in Maharashtra to 13 per cent in

Orissa. A sizeable proportion of total sample households in different States is found to have monthly per capita expenditure below Rs. 34. Even in Punjab, which is a much more developed State and where the levels of agricultural wages, household income and consumption are the highest, as many as 39.5 per cent of the households fall in the per capita consumption expenditure classes below this level. In Orissa and Madhya Pradesh nearly 80 per cent of the households are estimated to be having consumption below Rs. 34 per month. The proportion of such households in other States is as follows:

	Per cent
Gujarat	63·7
Karnataka	75·5
Maharashtra	72·8
Rajasthan	61·2
Tamil Nadu	77·4
Uttar Pradesh	71·3

There are only 6 per cent households in Punjab and 5 per cent in Gujarat whose monthly per capita consumption expenditure is Rs. 75 or more. The proportion of such households in other States varies from a meagre 0.5 per cent in Karnataka to 2.3 per cent in Rajasthan. The need to lift the level of income and consumption of an overwhelming majority of non-cultivating wage-earner households, as being envisaged by the planners, can, therefore, hardly be over-emphasised.

Indebtedness

69.2.20 As we have pointed out earlier, in the absence of sufficient margin of income over expenditure, the possibility of incurring debts by the labour households becomes stronger. This is supported by the available data on indebtedness of agricultural labour households from different sources. The data presented in Appendix 69.4 show that while the percentage of indebted households to total agricultural labour households for the country as a whole fell from about 64 per cent in 1956-57 to 61 per cent in 1964-65, a decline hardly likely to be statistically significant, the average amount of debt per indebted household increased from Rs. 138 in 1956-57 to Rs. 244 in 1964-65. There could be several possible explanations for this phenomenon. First, with the general increase in the prices of commodities, the real value of money has declined. Consequently, the

households might have incurred more debts to maintain their previous standard of living, especially in the context of increasing population. Secondly, with higher per capita money income, the creditworthiness of the borrowers might have also increased since higher incidence of debt is indicative of not only the economic condition of the borrower but also of the willingness of the lender to lend money. In normal circumstances, a person is unlikely to be able to go on borrowing an ever increasing amount unless the creditor is satisfied of the ability of the borrower to repay the loan within a tolerable time limit. It is possible that a part of the increased indebtedness is attributable to the advance payment of wages which the employers prefer to pay to ensure timely and uninterrupted availability of labour during peak agricultural season. Lastly, with the commercialisation of agriculture, the larger cultivators are reported to be employing, in increasing numbers, regular field labourers. Because of their longer attachment with the employers, such labourers find it easier to borrow money from them at the time of need.

69.2.21 Recent NSS data on total amount of loans outstanding per household (and households having no outstanding loans) and the amount of loans borrowed and repaid during the reference year available for nine States are presented in Table 69.6:

TABLE 69.6

Loans Outstanding for Rural Labour Household 1970-71[1]

(Rs.)

State	Value of loans outstanding per household	Borrowed	Repaid	Percent increase in debt over last year
Gujarat	280·88	149.61	45.58	37.1
Karnataka	241.18	64.08	22.91	17.1
Madhya Pradesh	159.00	77.50	16.26	38.5
Maharashtra	56.88	47.93	11.40	64.2
Orissa	90.22	61.38	8.67	58.5
Punjab	360.94	350.04	149.58	55.5
Rajasthan	509.28	237.71	58.49	33.2
Tamil Nadu	173.56	82.88	27.77	32.8
Uttar Pradesh	278.15	126.53	45.71	29.1

[1] *Ibid.* 1 (p. 224).

It will be seen that the average amount of loans outstanding per household is the highest in Rajasthan (Rs. 509) and lowest in Maharashtra (Rs. 57). The percentage increase in the amount of loan during the reference year is found to be the highest in Maharashtra (64 per cent) followed by Orissa (59 per cent), Punjab (56 per cent) and Madhya Pradesh (39 per cent). There has been a general increase in the amount of debt over one year in other States also. The ratio of amount repaid to amount taken during the reference year is found to be the highest in Punjab and lowest in Orissa. If the repayment ratio is any indicator of relative economic position of the households, the results only confirm our earlier conclusions that the non-cultivating wage-earning households in Punjab are economically much better off than their counterparts in Orissa, Rajasthan, Uttar Pradesh and Maharashtra.

69.2.22 In the light of the indicators considered above, the principal trends in recent years in the economic conditions of agricultural labourers may be summed up as follows:

(i) the level of real wages of agricultural labourers has not shown any significant improvement during the last one decade or so except in the case of Punjab and Kerala. On the other hand, real wages appear to have declined in Karnataka, Madhya Pradesh, Assam, Orissa and Gujarat during 1960-61 and 1969-70. The agricultural labourers in other States, too, have been finding it difficult to retain their real wage-rates of 1960-61;

(ii) the average annual income of argricultural labour households has gone up both in money and real terms. It is possible that although the average daily real wages of agricultural labourers have declined, the situation with regard to availability of employment has improved. Thus people can now get employment for more number of days. To that extent the reason for increase in average annual income may be developmental. However, the available data indicate that even with increased households income, there is hardly any scope for savings. The household income and consumer expenditure are evenly balanced. The overall profile that emerges is, therefore, that of subsistence living in most of the States for which the data are available;

(iii) About 56 to 90 per cent of the income of non-cultivating wage-earner households is derived through wage-labour. The rest of the income comes from subsidiary occupations,

essentially of self-employed nature. Any scheme for improving the level of income of these households, should, therefore, try to provide required assistance for the development of such occupations; and

(iv) the proportion of indebted households to total agricultural labour households showed a marginal decline during 1956-57 to 1964-65. The relevant data for later period are not available. However, the available data indicate that the average amount of loan outstanding per household is increasing. The reasons for it may be the general inflation, gap in household income and expenditure, greater borrowing capacity of the borrowers, increase in the proportion of attached labourers receiving advance payment, etc. The available data do not allow us to make valid generalisations for the country as a whole. However, they do suggest that the loans are of relatively shorter duration and repayment ratio is high, especially in States where agricultural sector has registered significant growth during the last one decade.

Bonded Labour

69.2.23 In addition to the economic conditions summed up above, there is special category of labourers called bonded labour, whose special problems in different States also need special attention. According to the latest Report of the Commissioner for Scheduled Castes and Scheduled Tribes bonded labour continues to exist in a number of States, inspite of the protective legislation enacted for the purpose. The prominent feature of the system of bonded labour is that a man pledges his person or sometimes a member of his family against a loan. It is widely prevalent in various forms and is known by different names in different parts of the country. In Andhra Pradesh it has been found to be more prevalent in tribal areas than others. The victims are known as 'jeetha' or 'palithanam'. The incidence of bonded labour there is related to the poverty of tribal families and the existence of landlords and businessmen in the villages. Most of the bonded labourers belong to the age-group of 16—30 apparently because at that age they are quite able-bodied. The persons in need of money bound themselves as labourers in order to obtain advances to the extent of either full wages agreed upon or part thereof. Mostly amounts slightly larger than wages were advanced, so that the 'jeetha' would not change the employer. The condition

of bonded labour known as 'saunkiya' in many places of Bihar is much worse. Under this system, there is an agreement between the debtor and creditor wherein the former pledges to work as agricultural labourer against the debt/loan received by him as long as the amount of loan alongwith the interest remained outstanding. The highest proportion of 'saunkiyas' were from scheduled tribes, followed by scheduled castes. Majority of the 'saunkiyas' have accepted this system as source of employment, as it provided regular employment to them although very low wages were paid. The main exploiters were baniyas and ex-zamindars. A survey of bonded labour known as 'jeetha system' in Karnataka revealed that it is hereditary, and is transmitted from father to son or from brother to brother. The system cannot be called slavery, as a *jeethagar* is allowed to leave an employer when he seeks a loan from some other sources and pays in full the loan of the employer under whom he does not like to serve. There are a larger number of *jeethagars* among scheduled castes than among scheduled tribes. The main feature of the system of bonded labour in Maharashtra is that a person belonging to such a tribe pledges his labour, and sometimes that of the other members of his family in return for a loan, and is released only when it is repaid. The period of bond of service ranges from three to five years. The agreements are oral. The bonded persons, in general, were required to work for the whole day. This system was prevalent in Thana district. A study of the problem was made by the Tribal Research Centre, Directorate of Harijan and Social Welfare, Uttar Pradesh in Jaunsar-Bawar area of Dehra Dun district in 1971-72. It was found that being economically poor and backward most of the families belonging to scheduled castes find it difficult to earn enough to meet their basic needs, and are therefore obliged to borrow money from the local money-lenders at the compound interest of 25 per cent per annum. The borrowers have to render manual labour to the money lenders in lieu of the interest and the principal amount of loan remains unpaid for ever. The simple, honest and illiterate people think that repayment of debts is their sacred duty. Bonded labour is locally known as 'mat' in Dehra Dun district. 'Begar' in one form or the other is existing in Banda district. In Unnao district there is a system of 'begar' which is called *lag-bangh*. In Kerala, the practice of bonded labour exists in the North Wynad in the Cannanore district, in South Wynad in the Kozhikode district and also in Malappuram district. According to this system certain amounts of money, house-sites or other concessions are allowed in advance to them by the landlords as wages for the period of contract. The system is also pre-

valent in the districts of Ratlam, Morena, Jhabua and Mandsaur in Madhya Pradesh in a mild form with regional variations in name and rigour. In Orissa, during 1972 a study was conducted in Koraput district, and it was observed that the 'gothi' system of bonded labour that prevailed was a sort of labour contract. It is reported that in some backward areas of Rajasthan particularly in Dungarpur district the 'sagri' system was prevalent. The problems of bonded labour in agriculture have many tenacious sociological, cultural and institutional roots. The money lenders taking advantage of the illiteracy, ignorance and indebtedness of the tribals, dictate their own terms as regards the interest and manipulate things in such a manner as to force the tribals to remain bonded for several years. Loans were taken, generally to meet expenses on social ceremonies and the debtors bound themselves either by written or verbal agreements to be labourers of the creditor as long as the loan and the interest remained unpaid. In most cases the service rendered is usually counted towards interest and the debtor is merely given some food and clothing. Often the descendants of the debtors are obliged to serve the descendants of the creditors in lieu of the family debt.

Future Trends

69.2.24 Let us now turn to a consideration of the likely demographic-cum-economic trends over the next few years and their implications for agricultural labourers. It is difficult to estimate precisely the trends in the proportion of agricultural labourers in the years ahead, although it is quite likely that their number will continue to increase. An approximate idea of their number in future can be obtained by estimating the size of the labour force and making some assumptions about the likely proportion of agricultural labourers in the labour force. The latter proportion would, of course, be influenced by the policies and performance in regard to land reclamation, irrigation and the resulting extension of the area of land under cultivation. Measures for the redistribution of land ownership would also have some effect. The rate at which the non-agricultural employment opportunities expand could be a critical factor, although the experience of the past two decades does not provide much scope for optimism in this regard. The actual course of events would depend also on the size and composition of investment, the elasticities of demand for various products and the extent and nature of technological change, both in agriculture and industry. On the basis of the rural labour force projections given in Chapter 58 on Rural Employ-

ment, it is estimated that the total rural labour force would increase to 250 milion by 2000 AD. However, it is difficult to anticipate the specific sectors of the economy in which the additional labour force would be absorbed. We have, however, given some indication of the possibilities of additional employment in rural areas in that Chapter.

3 POLICY FOR MINIMUM WAGES IN AGRICULTURE

69.3.1 Under the Minimum Wages Act, of 1948, many States have fixed minimum wages to be paid to agricultural labourers, often according to the nature of operations. Appendix 69.5 indicates the State-wise details of wage rates fixed under the Act. Few studies have attempted to evaluate the enforcement of these enactments. But it is widely accepted that the enforcement of various provisions has not been feasible. Quite apart from the question of enforcement, it is even doubtful whether the fixation and revision of level of minimum wages have received the attention they deserve, till recently. It can be seen from Appendix 69.5 that in a number of cases the minimum wages were fixed at an initially low level more than two decades ago and have been revised only infrequently since then. This, and not effective enforcement, appears to explain the relatively higher level of prevailing wages in some States as compared to the minimum wages appearing in Appendix 69.5'. In this context, it should be easy to appreciate the widespread demand for an upward revision of the minimum wages and for the appointment of Inspectors who would investigate the complaints about the non-implementation of the minimum wages rules or regulations. To evaluate the socpe for useful action in this field, it is nccessary to review first the requirements of realistic policy on minimum wages in the context of the Agricultural sector in India.

69.3.2 Historically, the presumption that wages received by labour in certain industries need to be supported through minimum-wage legislation appears to have been in the nature of a response to the problems of 'sweated labour' in certain lines of production. The emergence of such a class of labourers has been a characteristic of industrial development in the economies of the West as well as in the economies of developing countries like India. The context of 'sweated labour' in industries has three rather special features favouring legislative enforcement of minimum wages. First, the 'sweated

[1]The wage rates shown in Appendix 69·5 may be compared for this purpose with the wage rates presented in the preceding Section.

labour' exists usually in easily identifiable regional or industrial pockets with marketedly lower wages than the general level of industrial wages. Secondly, it forms a part of the labour force of organised industries in which the employers could be (effectively) required to pay certain wage rates. Such regulation would obviously be facilitated by the fact that the organised industries normally tend to have fairly standardised and uniform practices in relation to the basis and mode of wage payments and wage differentials among the different categories of labour. Thirdly, the industrial form of organisation of production contains within itself the forces for unionisation enabling the labour to become articulate and organised enough to bargain with the employers on wages. It would, thus, appear that the enforcement of minimum wages in 'sweated' industries is a well-delineated and limited operation. Further, to the extent that it succeeds in its objectives, the operation would tend to work towards its own elimination.

69.3.3 The case of 'sweated' industry in the industrial sector provides a good yardstick to comprehend the dimension and complexity of the task of enforcing minimum wage in agriculture in an economy like India's. The crucial features of the task in the former situation, which render it relatively feasible, are: (a) "Identifiability" i.e. the sections of labourers needing the supoprt of minimum wages can be easily identified; (b) "Enforceability" i.e. the organised form of industries and standardised practices in relation to payment of wages facilitate legislative enforcement of minimum wages; and (c) "Terminability" i.e. the support of minimum wages is needed for a limited period rather than for all the time to come. It is obvious that, taken literally, the task of enforcing minimum wages in agriculture in India would have none of these feasibility-features. It would mean regulating the wages received by more than about one-third of total rural population through legislative intervention in tens of thousands of rural communities; and the operation can hardly be regarded as terminable in any meaningful sense of the term.

69.3.4 It is, therefore, important that the task of enforcement of minimum wages in agriculture is interpreted in less than literal terms to evoke more substantial compliance than a mere nominal enactment of minimum wage legislation. In our view, this calls for a careful look at the context of wage-determination in agriculture to detect opportunities to formulate the task in more relevant and implementable terms. The attempt must be to devise criteria enabling a meaningful and justifiable restriction of enforcement to specified situations within the context. The context of wage-determi-

nation in agriculture is likely to be varied enough to make the search for such criteria a fruitful endeavour. The second aspect of the situation, which is relevant to the question of implementable minimum wage legislation, is the fact that this legislation forms a part of broader developmental efforts, covering a variety of programmes, to benefit the class of labourers in agriculture. Two implications of this fact need to be noted: (a) the role of the minimum wage legislation needs to be decided in the light of the objectives of other programmes, all viewed as a package. The latter should help to introduce some flexibility in adjusting the role of minimum wages to the capabilities of the legislation in our situation and (b) the components of the package should provide scope for indirect measures for regulating wages in agriculture which would strengthen the degree of 'enforceability' of minimum wage legislation.

Level of Wages

69.3.5 The policy-maker's concern about the level of wages in agriculture arises obviously from the feeling that the market for agricultural labour is characterised by a marked excess of supply over demand. In the absence of regulation, only the bare minimum subsistence needs of labourers would set the effective floor to wages. While this proposition should appear entirely plausible as a broad generalisation, it misses important complicating features of detail of the labour-market. These deserve due consideration in a realistic policy on minimum wages. The first source of complications to be considered is the heterogeneity of labourers and of their employers in a typical market for agricultural labour in India. On the supply side, the labourers who continually seek employment in the market need to be distinguished from those, like women and children, who may get drawn into the market only when the peak-season scarcity of labour pushes up wages to a fairly high level. Another relevant distinction is that between the labourers who have no cultivation of their own (as owners or tenants) and those who do. It is easy to see in the light of distinctions such as these that the labour force in agriculture would consist of groups with varying reservation-prices. At one end of the spectrum, we would get the group with near-zero-reservation-price who, having little else to fall back on, must accept employment however low the wage; these may be termed the 'wage-takers'. At the other extreme would be the group consisting of labourers who take up employment only when the prevailing wages are at or above a level acceptable to them; these may be termed the

'employment-takers'. It is easy to see that the incidence of low wages will be borne primarily by 'wage-takers' and groups close to them in the spectrum.

69.3.6 The heterogeneity among the employers is equally important to note. In the first place, the employers include a fairly large number of cultivators having similar socio-economic status as the labourers. Even though the land area cultivated by such small land holders is relatively small proportion of the total, their number is large. And all of them need some hired labour during some time or the other. This fact accounts for the prevalance of a system of exchange labour in India. However, it also blurs the class-distinction between labourers and employers in the market. Employers with a much higher socio-economic status than labourers ordinary form a small proportion of the total employers in the market. Secondly, the responses of different groups of employers to minimum wage legislation requiring the payment of a higher than the customary wage are likely to be different. While the small cultivator might try to substitute family labour for the hired labour, the large cultivators are more likely to explore the possibility of substituting machinery or capital for hired labour.

69.3.7 The second major feature of the labour market in agriculture is its localised nature. Even in developed economies, the markets for labour—across regions and across industries—tend to be less than fully linked with each other and substantial wage-differentials arise and persist among them. This is all the more true of the market for agricultural labour in India. Quite apart from this general presumption, the agricultural wage data in India show wide inter-regional disparities in levels of and trends in wage rates. It seems reasonable to suppose, therefore, that wage-determination in agriculture tends to reflect the interaction of supply and demand conditions as they exist within fairly small areas like groups of villages. As a consequence, the wages prevailing in a market are governed chiefly not so much by the general abundance of the supply of agricultural labour in the economy as a whole as by the specific and special circumstances obtaining within the limited area of each market.

69.3.8 The localised nature of the market for agricultural labour implies that the level and range of wages tend to vary from area to area in a stable and systematic manner. For example, markets in areas close to thriving urban/industrial centres and those located in agricultural regions with good soils, irrigation and links with produce markets tend to have relatively high wages. The reverse would be true of the

markets falling in relatively isolated and poorly-endowed agricultural regions or areas in which socio-economic factors have pushed down the class of labourers to the level of bonded serfs of their employers. It is also likely that new forms of markets will gradually emerge in response to the relatively recent structural changes in some regions, such as the unionisation of labour and mechanisation and intensification of cultivation processes. On the whole, the wide range and variety of situations hinted above suggest that any simple prototype conception of market for agricultural labour in India would hardly be of any help and may even become a positive handicap in policy-making.

69.3.9 An obvious implication of the localisation of the market for agricultural labour is that the regulation of wages would require intervention in a large number of small and dispersed markets. However, the need for regulation is hardly likely to be of equal urgency throughout the entire range of prevailing situations, the primary implication of heterogeneity of participants within the market is that, where the class-distinction between labourers and their employers is very much blurred, the minimum wage legislation could prove to be a measure which is too blunt and non-discriminatory in its operation to suit the situation. In principle, the right measure in the nature of wage-regulation in this situation would be the one which restricts its benefits to 'wage-takers' and imposes its burden on the large cultivators with a better capacity to pay higher wages. The minimum wage legislation needs therefore to be enforced with a sense of priority in selected areas.

69.3.10 For this purpose, the minimum wage measures need criteria for the selection of areas as well as 'realistic' specification of the level of minimum wages to be enforced. It is obvious that these criteria should set their sights at a level lower than the need-based minimum which is presently out of reach of even the organised industrial labour in India. This may seem unsatisfactory but if the minimum wage measures are viewed as a component in a range of programmes for agricultural labourers, "realistic" level of minimum wage should seem less objectionable.

69.3.11 It seems to us that the low wages received by agricultural labourers need to be regarded as a consequence of two conceptually distinct sets of factors. First is the set of factors which make for pervasive poverty in the agricultural sector as a whole, both in absolute terms and in relation to other sectors. Factors like over-population in agriculture, the lack of resources complementary to human labour and the low-productivity technologies, which together depress the return for human efforts in agriculture to a low level, belong to this

set. To the extent that wages in agriculture are low due to this set of factors, the explanation would be that they are low because agriculture cannot afford any higher wages and that low wage is merely a manifestation of poverty which the agricultural labourers share in common with other groups deriving their livelihood from agriculture. The second set of factors includes those which push wages below the level that agriculture can afford by enabling the employer to exploit the labourers. It is probably true as a general proposition that those who sell their unskilled labour fail to get a fair-deal in the market. Further, it is likely that in certain rural areas in India this general vulnerability of the labouring class to exploitation assumes a chronic and severe form owing to the socio-cultural correlates of poverty which breed ignorance, immobility and a pathetic willingness to exchange freedom and dignity of man for bare survival. Therefore, "exploitation" must be viewed as an important additional factor depressing the agricultural wages to a low level.

Programmes for Upgrading Wages

69.3.12 It is, therefore, obvious that the programmes for upgrading wages in agriculture have to act on both the dimensions of the problem. The entire developmental effort to diversify the economy and to modernise its agricultural sector is the principal programme to eradicate the 'poverty of agriculture'. The programmes more directly focused on agricultural labourers or, equivalently, on the rural poor may be categorised broadly as follows according to their primary objective.

(i) Rural Employment Programmes: Programmes to mobilise surplus rural labour and to invest it in agricultural and rural capital structures such as roads, wells, bunds etc.

(ii) Welfare Programmes: Programmes to improve rural drinking water supply, sanitation, health and housing.

(iii) Economic Rehabilitation Programmes: Programmes for reclamation and redistribution of land and for village industries and occupational training with a view to helping agricultural labourers to move up in agriculture or to move out of it.

(iv) Social Rehabilitation Programmes: Programmes for literacy and those for removing caste and cultural barriers.

69.3.13 Programmes in categories (i) and (iii) will obviously have an indirect favourable impact on agricultural wages. They would set an effective higher floor to the real wage rates; because if such works can provide employment to any one who seeks it, the labourers

would not accept a lower wage, unless the latter carries with it other non-pecuniary benefits. The rural works programmes will also help mitigate the 'poverty of agriculture' and its contribution to the phenomenon of low wages. The welfare programmes may be viewed as providing a direct wage-supplement or transfer to agricultural labourers by the society at large based on social considerations. The 'exploitation' dimension of the problem will, however, require to be attacked through other measures as well. The social programmes would endeavour to influence the attitudes, values and the social status of agricultural labourers and, in the process, nourish and strengthen their urge for the elimination of exploitation. The task of minimum wage legislation would be limited to the provision of a legal framework and support to protect agricultural labourers from exploitative tendencies which may persist for quite some time to come because of the basic structure of our society and economy.

Implementation of Minimum Wages

69.3.14 It is necessary to preface the discussion of the problems of implementation of minimum wage legislation by a few general remarks. Issues of vital importance are at stake in the effective implementation of the legislation than merely the question of wages in agriculture. While the minimum wage legislation belongs to the common genre of reform legislations in India, it has two special features which make it distinct from other measures. Firstly, the legislation endeavours to help some of the poorest sections in the vast rural landscape of India by reassuring them that they are as much a part of the society as any other group in the country. Secondly, the legislation seeks to do this by protecting these sections from their own powerful neighbours who by long tradition look upon the agricultural labourer as fated to be a destitute. The past experience with such legislation suggests that, after enactment, the laws remain a dead letter adorning the statute book. This happens even when the very credibility of the democratic framework and the rule of law hinges on the effective implementation of such legislation. Hence, the minimum wage legislation for agriculture needs to be looked upon as an important testing ground of the viability of the present political system and planning in India. It is important to bear in mind this broader significance of the legislation as also the need for constant vigilance on the part of the State to guard against slackness in implementation. To meet this objective, it would be desirable for the State Governments to set up a small top-level group reporting directly to the State Cabinet

on the basis of review and supervision of the implementation of the minimum wage Acts.

69.3.15 The main burden of the arguments in the previous paragraphs was that the effective enforcement of minimum wages needs some degree of selectivity in the choice of areas for enforcement and realism in fixing the level of minimum wages. Usually it is the absence of such criteria which thwarts even a very well-intentioned law. In looking for the criteria for the selection of areas, it is somewhat easier to begin negatively and indicate areas which merit lower priority in the enforcement of minimum wages. Areas close to urban/industrial centres and those located in prosperous agricultural regions, where relatively high wages prevail, obviously fall in this category. This would also be true of the areas at the other extreme with very low wages but where the wages are adjuged to be low due to poverty of agriculture and which, therefore, need programmes focussed on the 'proverty of agriculture' dimension of the problem. The range of situations falling between the two extremes of 'high wage' areas and 'low wage but poor' areas would contain areas with a good potential—in terms of their need as well as suitability—for enforcement of minimum wages.

69.3.16 A further narrowing of the selection of areas needs to be made by examining the characteristics of heterogeneity of labourers and of employers in the market. It is reasonable to suppose that the areas in which the labourers are sharply marked off from the class of land-owners/cultivators and suffer from low socio-economic status in the community should be the areas where the enforcement of minimum wages should receive the first priority. They can be called the 'exploited' areas. In practice, the exploited areas are likely to be of two types. In some exploited areas, the low wages and status of the labourer would have their origin in the rigidity and exclusiveness of the prevailing caste-structure. In others, the existence of virtually 'bonded serf' type of situation may be traceable chiefly to the cumulated consequences of inequitous debtor-creditor and/or tenant-landlord relationships. It is, of course, possible that in certain areas both the sets of factors coexist and interact. On the whole, we believe that the 'exploited' areas where the enforcement of minimum wages would deserve priority should be easily identifiable owing to the prevalence of gross and observable inequities rooted either in the caste-structure and/or in economic relationships.

69.3.17 If the criteria for the selection of area described above are accepted, the criteria for a realistic specification of the level of minimum wages can be formulated on the basis of its conditions prevailing in exploited areas. We may begin by noting that the two-

factor explanation of low wages suggested at an earlier point above implies that the reasonable level of minimum wages is the level which would prevail in the absence of socio-economic factors causing exploitation of agricultural labourers. It should be possible to estimate this level by considering or comparing the wages prevailing in neighbouring areas having markets for labour less vitiated by exploitative features. However, the employers in an exploited area may be expected to have capacity to pay wages at a higher than this hypothetical level and, hence, inability to specify the level precisely is unlikely to be a handicap of any consequence in the enforcement of wages in practice. More importantly, the minimum wage legislation should work for a progressive increase in the minimum level through positive programmes to eliminate 'poverty of agriculture' and through gradual strengthening of the enforcement machinery. The long-term target of the legislation should, of course, be to ensure the need-based minimum for all agricultural labourers.

69.3.18 Admittedly the above suggestions to implement minimum wage legislation cannot become specific 'rules' formulated under the relevant Acts. The underlying concept of 'exploitation' is an elusive concept in the context of the poverty of agricultural labourers. According to some exploitation exists wherever there is poverty and, in fact, it is the explanation of poverty; others might refuse to take any cognisance of the phenomenon until the concept is rigorously formulated and measured, which hardly seems possible. In our view, effective enforcement of minimum wages calls for a more practical and innovative approach to comprehend 'exploitation' without veering towards either of these two extremes.

69.3.19 Let us now turn to instruments for implementation taking up first the requirements of direct enforcement of minimum wages. It is not feasible to view to enforcement of minimum wages narrowly as a policing operation to detect and punish every single instance of payment of wages at a rate lower than the minimum specified. It would be more appropriate to have a broader and more constructive approach to the system of wages as a whole. This approach might work through a committee of the *panchayat,* aided by some functionaries appointed under the legislation, who can arrange for a systematic collection of sufficiently extensive data on wages paid to different categories of labourers for different operations. Armed with these data, the committee could establish a regular liaison with the representatives of employers to draw their attention to the prevailing levels of wages and to impress upon them the need to raise the levels, using in the process pressures including, but not

mittee would be to persuade the employers, through their representatives, to enter into broad understandings, if not formal agreements, about the level of wages. The *panchayat* or the committee could inspect the enforcement of the understanding reached and devise measures to meet violations.

69.3.20 The enforcement of the minimum wages by the *panchayat*, to be effective, will need to be supervised and guided by a watch-dog committee consisting of, say, local member of the Legislative Assembly, Chairman of Zila Parishad, representatives of wage-earners, representatives of employers with an appropriate official serving as the Secretary of the committee. It should be the responsibility of this committee to lay down the working procedures for enforcement and to secure their adoption by the *panchayat* as expeditiously as possible. In addition, it should function as an appellate body to look into the grievances arising in the process of enforcement as also as a trustee of the labouring classes working vigilantly to secure for them their basic right for a minimum wage. We feel persuaded that with patient efforts to set up such committees and with a measure of experimentation in relation to their composition and functions it should become possible to move towards a system of regulation of wages in agriculture which combines the best features of both the enforcement of minimum wages through official agencies and participation of local organisations and leaders in the evolution of a fair structure of wages for agricultural labourers. It seems to us that in the matter of regulation of wages neither the legislative efforts by themselves nor the local non-official initiative alone will yield a satisfactory measure of success. What is needed, in our view, is a harmonious balance and integration between these two instruments so that the force of law is harnessed and put to work not by distant and inaccessible government functionaries but, to a growing extent, by the local communities themselves including the intended beneficiaries of the minimum wage legislation.

69.3.21 It needs to be stressed that, in the present context of ineffective implementation of the minimum wage laws, a beginning has to be made by strengthening the official machinery for inspection, conciliation and enforcement. In a sense, an indifferently enforced law is worse than no law because of the disrespect it breeds towards itself among the classes of population affected by the law. Minimum wage laws in agriculture have to overcome this insidious handicap by an observable improvement in the enforcement of minimum wages. In recent months, two States—Kerala and Maharashtra—have announced substantial modifications in their

minimum wage laws to make for more effective enforcement of minimum wages. Maharashtra has extended the law to cover the entire State. Block Development Officers and Secretaries of gram *panchayats* have been designated as Inspectors for the purpose of enforcement of minimum wages and the legislation provides for limitation of working hours in a day and for days of rest with wages for agricultural labourers employed on annual, seasonal or monthly basis. The Kerala legislation appears to be even more ambitious. It contemplates an elaborate machinery for inspection, conciliation and enforcement and contains bold provisions to set up provident fund for agricultural labourers and to confer on the security of employment. A brief account of these provisions is given in Appendix 69.6. It is to be hoped that these fresh initiatives by the State Governments to put teeth into their minimum wage laws for agriculture will gather momentum and extended coverage without any further loss of time.

69.3.22 While the agencies suggested above are of help in getting started with the enforcement of minimum wages, the long-term solution of the problem would obviously have to look towards effective unionisation of agricultural labourers. With growing politicalisation of masses, the forces favouring unionisation should get progressively stronger in the normal course of events. However, in the socio-economic climate of exploited areas, these forces would need support and nurturing to survive against hostile interests and to develop into healthy trade-unionism amongst agricultural labourers. While this is primarily a field for local leaders and voluntary agencies, the supporting role that the State can play deserves careful consideration.

69.3.23 The committees or the unionisation process would need two basic sets of supporting policies to enable them to function well. The first set consists of policies relating to what were described above as programmes for the social rehabilitation of agricultural labourers. Unless the labourers are freed from the socio-cultural bondages, there would be little chance of their benefiting from the efforts at regulation of wages. The second set consists of policies to prevent premature and unregulated mechanisation from complicating the task of regulation of wages. The employers in the 'exploited' areas are very likely to take to mechanisation as a forestalling measure against rising wages, particularly in areas where the employers might be already in the process of throwing out their tenants to resume land, ostensibly for self-cultivation. We mention the need for such supporting policies to emphasise the point that the task of regulating wages is

only a part of the broader and far more intractable problem of helping the rural poor to enter the mainstream of national life.

69.3.24 As the direct enforcement of minimum wages would take time to become effective, the policy on minimum wages needs to be integrated with the 'employment creating' programmes, such as rural works programme, to influence wages indirectly by offering alternative employment. However, the objective should not be to assign a relief-*cum*-welfare role to rule works programmes. Viewed from a long-term perspective and considered as the principal instrument for implementing comprehensive village and area development plans, rural works programmes have to play a far more fundamental and vital role in mobilising the growing rural unskilled labour—which is redundant in agriculture and, consequently, drifts towards urban areas—and in providing it with employment on an organised and continuing basis with terms, conditions and amenities to be eventually made comparable to those prevailing in urban employment. It would, therefore, be appropriate to consider support to agricultural wages and provision of supplementary employment to rural workers as being the subordinate functions of works programmes. While these functions should receive all the attention they deserve in the initial stages, the long-term objective ought to be to generate adequate and attractive employment opportunities within the rural sector capable of transforming the rural unskilled labour from an inert burden which it is now into a dynamic input for capital formation and social change.

69.3.25 The strategy that we suggest for the implementation of the policy on minimum wages can be summed up as follows. The implementation of the policy needs to be focussed on the areas where wages are adjudged to be low due primarily to caste and economic inequalities. It will be necessary in these areas to integrate the policy on minimum wages with a range of other policies and programmes to upgrade wages in agriculture. The success of enforcement of minimum wages in these areas will depend crucially on the coordinated efforts, as suggested above, of the *panchayat* and the watch-dog committee to be supplemented by measures to encourage and support the forces working towards unionisation of agricultural labourers. In other low wage areas, it would seem best to rely on indirect regulation of wages through guaranteeing adequate alternative employment at the desired level of wages. This strategy should enable the most effective deployment of our none-too-abundant resources and talent for regulatory operations.

69.3.26 It may, however, be added that some State Governments have upgraded minimum wages for agricultural labour during the last 5 to 6 months and also have set up special machinery for its implementation, in pursuance of the 20 Point Economic Programme announced by the Prime Minister. The other States have notified their proposals to revise the wage structure, according to areas. The Centre has also decided to revise wages for agricultural workers in the Central sphere which will range between Rs. 4.45 and Rs. 6.50 per day according to areas. The wage rates vary from State to State as can be seen from Appendix 69.5.

4 HOUSING AMENITIES AND SUBSIDIARY OCCUPANTS

69.4.1 Provision of housing and amenities like clear drinking water, drainage, sanitation, roads, electricity etc. for the agricultural labour should be given top priority by the Government. This is to provide them with bare living conditions that they are entitled to as human beings which the society has grossly denied them. But the problem of their shelter is only a part of the greater problem of their livelihood. As we have observed in our Interim Report on House Sites for Landless Agricultural Labourers:

> "There is not sufficient land to give the agricultural labourers an economy based on land. Bulk of the landless will, therefore, have to be provided with subsidiary means of income if their conditions are to be improved and since the subsidiary occupation will be on the basis of the homestead appropriate measures are to be taken to give him house-site and a house—it is necessary to attempt a solution of the twin problems of security of shelter and means of livelihood for the landless agricultural labour and artisans simultaneously. In formulating a policy on house sites, it must be appreciated that the site for a house alone is not adequate for diversifying the economy of the labour family. It has to take into account the nature of the subsidiary occupation that the family has to pursue. While one of the objectives of the policy will be to make the labour families eligible to receive assistance from various programmes by providing for a homestead, it has also to be ensured that there is adequate space for the family to ply his trade."

69.4.2 It has been indicated in our Interim Report that the number of agricultural labour households is 20 million; out of these.

agricultural labour householdes owning house sites/land have been estimated at 8 million and those who have no house-sites or land have been estimated at 12 million. We earnestly feel that no time should be lost in ameliorating the conditions of the landless agricultural labour and that any delay in providing the landless with at least a small corner on the bosom of the earth for shelter under a roof should be treated as a gross social injustice.

69.4.3 But the agricultural labour households having house-sites/land deserve no less direct attention since possession of such land has neither been adequate for eking out a reasonable livelihood for them nor has it provided them a base for satisfying even the minimum conditions of housing and amenities. Since we have accepted the approach that the problem of security of shelter and means of livelihood cannot be considered in isolation of each other, it is equally necessary to think in terms of strengthening such labour households by adding to their existing stock of land additional land which could provide a reasonable base for carrying on their agriculture or for plying their trade or subsidiary occupations. The approach has essentially to be of not making any shaded distinctions between the landless and other agricultural labour but of integrating both the segments of agricultural labour within a common framework of development providing for both housing and other amenities on the one hand and the source of income and employment on the other hand simultaneously. A national consensus has already been evolved in favour of imposition of ceiling on land holdings and it has been accepted that while distributing surplus land, priority should be given to agricultural labour. It would be desirable that surplus land is allotted in compact blocks in order to facilitate the management of land on cooperative basis. Such a step will facilitate the adoption of a policy of directing the flow of future public investments in irrigation and land development for the benefit of the under-privileged.

Housing

69.4.4 While working out this framework, the questions of housing and economic upliftment of the scheduled castes and scheduled tribes who usually constitute the bulk of landless agricultural labour cannot be considered apart. The Revised Scheme of the Ministry of Works and Housing for allotment of house-sites to the landless labour already provides that there should be no segregation of families belonging to scheduled castes and scheduled tribes and that such families should be suitably interspersed along with other families allotted

house-sites in or adjoining villages. This is a step in the right direction. It will require development of special abadis or colonies where such rural poor could be suitably housed and facilitated to carry on their subsidiary occupations to augment their income. In our Interim Report on House Sites for Landless we had pointed out that "It will not only be necessary to properly plan their colony from the point of view of amenities but this colony should also be a happy blend of all communities thus fostering emotional and social integration in the rural life and checkmating any attempt at segregating the Harijans from the rest of the Communities." We feel that the integration of Harijans, both on economic and social plan, with the life of rural poor could be attempted only within a common framework of development.

69.4.5 There are other weaker sections of the rural community such as village artisans who are equally victims of insecurity of shelter and income and employment. Through plans, special programmes have been launched to revive and re-organise village industries but no effect has been made in improving their living conditions by providing suitable housing and amenities. Such weaker sections of the rural community also require a house to live in alongwith a shed to carry on their trade or industry. In revitalising the village industries and in rehabilitating the village artisans, the problem of providing security of shelter and means of livelihood can thus hardly be separated. Further, the village artisans could not be treated as a separate entity, on economic and social grounds, from the mass of rural poor. Therefore, any programme for providing housing and amenities or strengthening the economic base of the village artisans, has essentially to be considered within the common framework of a programme to provide security of shelter and livelihood for the agricultural labour, scheduled castes and scheduled tribes and other weaker sections.

69.4.6 The earlier fragmented approach to provide free (or at nominal prices) house-sites to the landless labour, to assist the rural people in the construction/improvement of their houses, to provide streets and drains in selected village for environmental hygiene, to subsidise the construction of houses for sweepers and scavengers, to provide free house-sites to the members of scheduled castes engaged in 'unclean' occupations or who are landless has failed to make any visible impact on the living conditions of these sections of the rural community. The main reason was that the question of providing a house-site or a house was not approached with a view to meeting both the needs of shelter and livelihood. As a result, benefits from rural housing programme could hardly reach the weaker sections for im-

provement of their living conditions. Also important was the failure to conceive the need for developing a homogenous living among the rural poor in specially developed *abadis*. The stress in the past was on developing a total integrated rural life of the rural rich and poor together which was not possible to attain in view of strong class and caste barriers prevailing in the rural society. It is quite common to find that plots for house-sites allotted to the landless have been forcibly encroached upon by the influential sections in village community. The approach will, therefore, have to be to evolve a framework of development providing for both security of shelter and means of livelihood for the weaker sections only and to suitably integrate all efforts to provide them with good living conditions through the development of *abadis*, the construction or improvement of their housing and provision of amenities. It is only when their economic base is sufficiently strengthened and living improved, that the efforts to bring the weaker sections into the mainstream of rural life which has to be the ultimate objective of our development will have any meaningful impact.

69.4.7 This framework of development would need for its implementation mass construction or improvement of the necessary structures and houses on such land where agricultural labour and other weaker sections could live as well as ply their trade or carry on their subsidiary occupations. The Government's policy in dealing with the problem of rural housing, on the other hand, has been one of linking the housing problem with the overall economic development of the villages on a selective basis so that the selected projects might serve as a source of inspiration to adjoining areas by creating healthy environmental conditions for all the sections of the village population. The village housing scheme introduced in 1957 in 5,000 selected villages aimed at the general improvement of the villages and helping the private initiative on a selective basis through limited loans for putting up new houses or improving the existing houses. The construction of houses was thus entirely on owner occupied basis. It has become obvious that agricultural labour and other weaker sections, even those among them owning house-sites, could hardly take the benefit of such assistance for construction of houses or for improvement of the existing houses owing to their weak economic and social status. Thus, if 18 million rural households today live in bad, dilapidated and improvised structures, bulk of them undoubtedly belong to agricultural labour and other weaker sections. Although for the construction of houses for scheduled castes and scheduled tribes a subsidy of 75 per cent is given for a house costing upto Rs. 1,200 not much progress could be achieved because of the failure to link their

housing need with that of providing security of incomes and employment.

69.4.8 According to the estimate of the National Buildings Organisation made in 1970 a house utilising locally available materials and thatch roofing may cost about Rs. 800 with necessary maintenance such as plastering of the walls with cow dung and changing the thatch roof once in 2 or 3 years which can be easily undertaken by the beneficiary himself with his own household labour, such structures can last for 10-12 years. It is estimated that another Rs. 200 will be required to put a shed where the beneficiary can carry on his subsidiary occupations or trade. On this basis, it has been reckoned that the total cost per house may be around Rs. 1000. We view that construction of houses which provide both shelter to live in and a shed to carry on the subsidiary occupations will contribute much to an integrated programme for providing security of shelter and means of livelihood to the weaker sections. In fact, housing, either through construction of new houses or through improvement of existing houses, should act as a catalytic force in generating integrated action for improving both the living conditions and the income and employment of the rural poor. This will mean that provision of only loans or subsidy for construction of houses will hardly make a visible impact on either their living conditions or on their economic position. It will, therefore, be advisable to undertake a combined programme of construction or improvement of houses including provision of sheds for subsidiary occupations for agricultural labour and all weaker sections on aided self-help basis.

Other Amenities

69.4.9 Although the provision of housing there is a need to ensure that minimum basic amenities such as clean drinking water drainage, sanitation, roads, electricity etc. are available to the weaker sections. A large majority of the diseases that occur in the country are comunicable, and almost half of them are water-borne, occuring mainly because of non-availability of safe drinking water. It is further estimated that 110 million people suffer every year and that 1960 million man-hours are lost every year on account of various water-borne diseases. Agricultural labour, scheduled castes and scheduled tribes, village artisans etc. being on the lowest rung of the income ladder in the rural areas, are the greatest victims of this tragedy. Even colossal man-hours are wasted daily in finding water for their daily life.

69.4.10 Absence of sanitation and overall environment is yet another source of large suffering for such rural poor. By and large, the rural people still practise the age old habit of open air defection. As a result, villages in general and congested lay outs on the outskirts of villages in special, where bulk of the agriculture labour and weaker sections live, have remained a focal point of endemic cholera, typhoid, dysentery, gastro-enteritis and of parasitic diseases with high incidence of death rates. Sample Surveys have shown that 80 per cent of the children in villages between the age group of 6 to 12 years suffer from parasitic helminthic diseases caused on account of non-availability of any proper night soil disposal facility. Children suffering from chronic malnutrition of which the bulk belongs to agricultural labour and other weaker sections fall a quick prey to such diseases.

Subsidiary Occupations

69.4.11 The importance of the programmes for subsidiary occupation arises from the fact that a majority of the agricultural labourers are landless and are underemployed for long stretches of time in a year. Recognising the urgent need to provide work for these labourers, since the beiginning of 1970, the Government of India initiated a number of special employment programmes. Mention may be made in this context of the crash scheme for rural employment, drought-prone area programme, marginal farmers, and agricultural labourers development scheme and pilot intensive rural employment projects. A review of the working of these programmes indicates that their total impact so far has touched only the fringe of this problem of mass rural under employment and unemployment. Therefore, there is an urgent need to step up efforts in this direction keeping in view the various problems that have been thrown up in the course of the implementation of these programmes and the measures required to overcome them. The role of subsidiary occupations as a source of employment has also been discussed in Chapter 58 on Rural Employment.

69.4.12 The programmes for subsidiary occupation need to be evolved out of a master plan covering the following aspects of the village economy:

(i) hydrology of the region: surface water and ground water resources; the optimum mode of their utilisation;
(ii) drainage system;
(iii) scientific scheme of land utilisation;
(iv) soil condition and erosion: measures for soil conservation and improvement;

(v) contour bunding and terracing;
(vi) forests; present position and suggestions for new planting of trees which are suitable for the region and most-paying to the farmers;
(vii) optimal cropping pattern;
(viii) better farming techniques;
(ix) development of grass land;
(x) improving the quality of animal husbandry and raising the milk yield;
(xi) plans for approach roads;
(xii) village planning and improvement of housing conditions; and
(xiii) possibilities of development of village industries based on locally available raw materials.

69.4.13 The planning machinery at the district level as recommended in Chapter 62 on Administration should prepare this plan and also implement it with the assistance of voluntary agencies. There can be a variety of jobs under the master plan. They can be grouped under three heads:

(i) development of the physical resources of the village in implementation of the master plan to increase the production potential of the entire village;
(ii) setting up of their own farming activity or activity connected with animal husbandry; and
(iii) creation of non-agricultural occupations like spinning, weaving, carpentry, pottery, tailoring, repair of agricultural equipment, masonry or engaging in professions as a teacher or truck driver etc.

More specifically, the following subsidiary occupations can be suggested as having a good potential for development:

(i) handspinning;
(ii) processing of cereals and pulses (i.e. handpounding or dehusking paddy, production of beaten rice, parched rice, etc.);
(iii) manufacture of food products (i.e. *papad, waria, vermicilli* and similar products, malts and beverages);
(iv) mat-weaving, basket making, rope-making, brush making, making other fancy and decoration articles from bamboo, palm leaves and stalks;
(v) extraction of fibre from sisal, sunhemp and similar fibre-plants and grasses like *munj, debar* etc., and making mats

(vi) collection of grass, leaves and firewood and medicinal herbs and plants;
(vii) tailoring;
(viii) simple repairs and maintenance of agricultural implements, cycles, pumps etc.;
(ix) truck and tractor driving;
(x) bidi, *jarda* and snuff making;
(xi) poultry, piggery and raising of small animals and birds;
(xii) keeping milch cows—not more than two per family—wherever the agricultural labour household has the tradition and skill; and
(xiii) pisciculture.

69.4.14 In generating supplementary employment, a promising avenue for progress is provided by labour-intensive products having wide and dispersed markets. The textile industry offers a very good example in the Indian context. The product of this industry has a widely dispersed market and has no close substitute. Therefore, we suggest enforcement of a regulation whereby the weaving of some popular variety of textile is reserved exclusively for the 'process of production not using power'. The 'process of production using power' should be allowed to manufacture only the mono-coloured textiles. Processes such as the printing of textiles and the weaving of multi-coloured textiles, would thus be exclusively reserved for the 'household and small producer sector not using power'. This would mean an increase in the relative prices of such textiles (in the absence of a subsidy). Even then, there is likely to be a sufficiently high demand for such varieties. We feel that in the initial phase the demand will be greater than the production. As the demand will be dispersed all over the country, there will be a sufficiently high rate of earning for 'household and small producer sector not using power' resulting in a big push for the expansion of the sector. Though the expansion of 'household and small producer sector not using power' will affect the textile mill sector somewhat adversely and the proportion of population employed in the 'process of production using power' may even decline, the proportion employed in textile production as a whole is likely to increase rapidly and the increase in employment and earning will be dispersed all over the country. The economic gains to the weaker sections of the population will be considerable. As mono-coloured textiles will be available for low wage and low income earners, these varieties will constitute the basic-goods part of the wage-goods mix. As subsidy will not be the kingpin of such policy measures, there is little possibility of emergence of 'intermediaries' and other parasitic elements. Production

also be reserved for 'processes of production not using power'. We have dealt with some aspects of the development of agro-based and rural industries in Chapter 58 on Rural Employment.

Priorities

69.4.15 In the list of items enumerated above, allocation of some priorities is necessary. In the present situation, we suggest that development of livestock and poultry should receive the first priority. All marginal farmers and agricultural labourers who are capable of maintaining cows should be encouraged to take to dairying. With some training, assistance for artificial insemination and supply of nutritious fodder, it should be possible to make them take to dairying. As already stated in paragraph 8.1 of our Interim Report on milk production,[1] the economic foundation of small producers in dairying can only be built around high producing milk animals. The easiest way to meet this need of the agricultural labourers would be by supplying them with crossbred cows or provide artificial insemination facilities for the production of crossbred cows making use of whatever indigenous type of cows they already possess.

69.4.16 Each village should have access to an artificial insemination centre and milk collection centre. Arrangement should also be made to supply fodder regularly. The extension veterinarian should pay periodic visits to undertake vaccination against infectious diseases.

69.4.17 The second priority should be given to development of poultry, vegetable-growing, horticulture and fishery, depending on the availability of land, skill and willingness of the labourers. A package of subsidiary occupations suited to the tradition environment and socio-culture of the people should receive the third priority. Adequate arrangements should be made for training and supplying improved tools and equipment. Marketing of products surplus to the local sales continues to be one of the stumbling blocks in increasing the production and income of the artisans. At present, there is also a total absence of proper organisation for supplying them market intelligence, lifting their surplus products and arrange for their sales in areas where there is demand for them. There is also the need to advise artisans on quality production and diversification of their production for making the best use of the available raw materials and catering to the existing demand.

69.4.18 There should be a regular programme of enrolling rural youth for vocational training in institutions like Industrial Training

[1]Interim Report on Milk Production [illegible]

Institute on various skilled jobs such as of turner, mechanic, dye-maker, foundry-man, tinker, carpenter, blacksmith etc. After such training, rural youth should be given facilities to set up workshops or work places to cater to the needs of the villages either on individual or group basis. For this purpose, we recommend a scheme according to which about 10,000 population will be covered by a Centre at a township where all the facilities such as bank, marketing, store-house, agro-service centre, workshop, inputs, cattle-breeding, shoe-making industry, blacksmith workshop, weaving centres, oil-crushing, sericulture, sheep-breeding, leather factories, bee-keeping, poultry etc. would be available. Facilities for training and credit should be made available by the Government and Government agencies like agro-industries corporation which will also purchase the products of these industries. Such groups of villages would have to be integrated with larger groups for the purpose of marketing and procurement of raw materials. It would be beneficial if the farmers service societies at the block level as recommended by us in Chapter 55 on Credit and Incentives are associated with the organisation of the aforesaid activities.

69.4.19 Introduction of crafts should be encouraged in the primary and secondary schools. Each school should be equipped with a workshop necessary for such training. It is always better to catch persons when they are young, before they cross the high school, in order to create interest in them for vocational jobs.

69.4.20 Provision of housing, amenities and subsidiary occupations for the agricultural labour and other weaker sections in line with the approach outlined above will require integrated action in respect of provision of house-sites to the landless, addition of land to the existing stock through the distribution of surplus land, land acquisition, consolidation of land, development of land including provision of amenities, parcelling of land into house-sites, construction of houses and sheds for subsidiary occupation, linking of promotional measures for subsidiary occupations with overall development of the area etc. It will, therefore, be necessary to develop a complete time-bound package providing for different services, policy measures, time synchronisation in implementation, organisation structure and channelling of funds. The contents of the proposed package are described below:

(i) Wherever legislation already exists, homestead rights for landless workers in the rural areas in respect of sites on which their houses/huts stand at present should be conferred immediately on a heritable basis and without any payment of rent to the landlord. In States, where such

legislation does not exist, suitable legislation should be enacted and conferment of homestead rights should be speeded up. This must be undertaken on a priority basis and must be completed within six months of the introduction of the package. If necessary, State Governments may compulsorily take over land adjoining the cluster where most of the agricultural labour and other weaker sections live for providing house sites to the landless.

(ii) Usually (except in Kerala) the house-sites of agricultural labour, scheduled castes and scheduled tribes, are found in one contiguous cluster at the outskirt of the main village. House-sites belonging to such weaker sections lying at a distance from the main cluster may be exchanged for land adjoining the cluster. If exchange is not possible such sites may be sold to the gram *panchayats* at the market rate and the money may be utilised for compulsorily acquiring land adjoining the cluster. The Government should pass orders that gram sabha land, *panchayat* land and undistributed surplus land acquired under ceiling laws which has not yet been put to any use will be only utilised for the proposed package. Such land if located at a distance from the main cluster should be exchanged for land adjoining the cluster with the assistance of gram sabha or *panchayat*.

(iii) Requirement of land needed for constructing shelters to live and sheds to work for each household belonging to agricultural labour, scheduled castes, schedule tribes, village artisans and other weaker sections may be worked out by each village. The norms for house-sites which could provide reasonable space both for shelter and for carrying out subsidiary occupations as recommended by us in our Interim Report on House-sites for Landless Agricultural Labourers are. (a) in thickly populated semi-urban areas, the area of a house site may range between 100 sq. yds (83.6 sq.m) to 150 sq. yds (125.4 sq. m); (b) where relatively more land is available and space can be provided for cattle-shed or poultry or piggery or even a village industry along with the site for a house, the area may be between 250 sq. yds. (200 sq.m) and 300 sq. yds. (250.8 sq.m); and (c) where adequate land is available and water could be provided for vegetable growing, the area may be around 500 sq yds. (41.81 sq.m). The above

norms may be adopted for estimating the land requirement for the package.

(iv) Once the total requirement of land needed for constructing shelters to live in and sheds to work is known, requirement of additional land for the purpose may be estimated taking into account the land/house-sites already available with the weaker sections in terms of the suggestions made under (ii) above.

(v) Additional land as estimated under (iv) may be acquired by the State. In the areas where ceiling laws have not been enforced, surplus land that would fall vacant if such laws had been enforced effectively should be notionally worked out by the Government. The Government should take over the surplus and thus worked out notionally. When ceiling laws are enforced, actual land falling surplus may be adjusted against the national surplus land already taken over or alternatively be adjusted against acquisition of land by paying necessary compensation.

(vi) Land made available through measures (ii) to (v) may be consolidated so that a contiguous block of land adjoining the main village is available for the purpose of providing house-sites and the place for subsidiary occupation. The success of this pacakege to a large degree will depend on how effective is the effort to consolidate the small pieces of house-sites already available or may be made available from the *gaon* sabha land or surplus land falling vacant after the imposition of ceiling laws to form a contiguous area.

(vii) A re-development plan of the area thus consolidated should be prepared providing for drainage, sanitation, paved streets, community drinking water sources and electricity.

(viii) After the re-development plan is ready, the area may be parcelled into suitable house-sites according to the norms discussed under (iii). While parcelling the area into house-sites every effort should be made to ensure that the existing house-sites are disturbed to the least possible extent.

(ix) Once the house-sites/additional land over the existing sites have been made available, mass construction/improvement of houses on such house-site including shed for subsidiary occupations should be organised. We suggest that this programme has to be organised on aided-self

help basis. Bricks may be made available free of cost. This should provide an adequate incentive for effective mobilisation of the agricultural labour and other weaker sections for construction/improvement of their houses including sheds for subsidiary occupations. The beneficiaries may aid themselves by constructing the structure and putting up thatched roof on it with their own and their family labour. We propose that house construction/improvement programme should be treated as one of the rural works programmes. This will facilitate the weaker sections to earn their livelihood even during the period they are occupied in constructing or improving their houses and would be an added incentive for mobilising them not only for improving their living conditions but able for activating them to undertake subsidiary occupation for their income and employment. Since bricks are being made available free of cost, wages paid during the period house construction work is undertaken may be at half the rates normaly accepted for rural works programme, say at the rate of Rs. 1.50 per day against Rs. 3 per day. The balance of wages not distributed may be used for subsidising brick manufacturing activity. We do not favour provision of cash subsidy for housing.

(x) The success of the housing programme wil depend upon the availability of bricks and other building materials. Ther is a ned to integrate the activities in respect of manufacturing of bricks which may be devloped as one of the subsidiary occupations for the agricultural labour and other weaker sections and that of construction of houses including sheds for subsidiary occupations as a part of rural works programme in such a way that both the objectives of providing security of shelter and means of livelihood are achieved.

(xi) Basic amenities such as clean drinking water, drainage, sanitation, paved streets, electricity etc. should be simultaneously provided. Provision of some of the amenities such as drinking water, roads and electricity forms part of the minimum needs programme in the Fifth Plan. Agricultural labour and other weaker sections should undoubtedly get priority in the matter of providing such minimum needs over other sections of the rural population. Regarding provision of other amenities such as

rural sanitation etc., provision made in the Fifth Plan may have to be utilised and the cost for providing such amenities in the areas where the weaker sections are housed should be the first charge on the Fifth Plan outlay earmarked for the purpose. In view of large expenditure involved in any such programme, such amenities should be provided on community basis rather than on individual household basis. Also the funds earmarked in the Community Development Block budgets for providing rural amenities for the next 10 years will have to be diverted for provinding such amenities in the areas where agricultural labour and other weaker sections may be housed.

5 PHASING AND INTEGRATION OF PROGRAMMES

69.5.1 A common theme running through the preceding sections is the need to have a wide range of programmes to improve the conditions of agricultural labourers. It has been repeatedly stressed that the maladies of this class are too chronic, complex and deepseated to yield to any single measure however ambitious and effectively implemented. It has also been emphasised that the conditions of agricultural labourers and the causes which have brought about such conditions vary from region to region and within the region between different groups of people involved and so it is important to tailor these programmes to the needs of the various regions and groups concerned. This raises a paradox in considering the policy approaches to be adopted towards agricultural labourers. While the natural response to the revolting poverty of this class is to think in terms of quick and drastic action, the experience gained so far seems to show that the programmes guided by this impulse alone have been least productive of results and, in fact, may have created more problems than they have solved by leaving behind them a measure of frustration and resentment. It is, hence, important to consider the programmes for agricultural labourers from a long term perspective with a view to evolve an approach capable of conserving and cumulating the gains made without dissipating its energies in running after only transient results.

69.5.2 An important requirement of such an approach is to pay attention to the phasing of the programmes over time. The distinction relevant for this purpose is between the programmes which primarily seek to provide relief from poverty and those which are

oriented towards removal of poverty through building up of skills among agricultural labourers, institutional reforms and more importantly, changes in the structure of society. It is obvious that while the programmes in the former category are focussed on the problems of today, the larger task of winning for agricultural labourers and their children a secure future and a productive life needs to be achieved through the programmes falling in the latter category. The two categories need to be viewed as complements of each other and the crux of the problem of phasing the programmes for agricultural labourers lies in welding these categories together to create a strong and cochesive force for the upliftment of the labourers. It is important to realise that the success in building up such a force depends not so much on the number of different programmes taken up for implementation as on a judicious selection of programmes capable of supporting and reinforcing each other. This indicates the necessity of taking an integrated view of the programmes to be implemented based on an understanding of inter-relationships among them. The purpose of this section is to indicate in broad and general terms the necessity and possibilities of phasing and integration of programmes and to suggest alternative policy approaches appropriate to the different typical situations prevailing in the country.

Phasing of Programmes

69.5.3 In our view, it is helpful to distinguish three phases in planning policies and programmes for improving the conditions of agricultural labourers. The broad objective of the initial or first phase should be to bring the class of agricultural labourers within the reach of direct programmes being implemented by the State to guarantee to this class a certain minimum level of income along with acceptable minimum levels of nutrition, health facilities, education and amenities like housing. The worst handicap suffered by agricultural labourers is their poverty and lack of education and resulting inferiority complex which keeps them cut off from the channels of access to and communication with the developmental bureaucracy local leadership and centres of power and which leaves them with little initiative and capacity to stand for even their elementary rights. The plan of work in the first phase should be so designed as to wear down this barrier between the agricultural labourers and the rest of the community. This needs to be done through programmes relying primarily on the initiative of State and operating with specified time-bound targets. The principal programmes falling in this category

are the rural works programme to provide guaranteed employment and income, an effective net work for distribution of foodgrains at reasonable prices and welfare programmes for health, education and housing. It is necessary to view these programmes as constituting a package with which to mount the first wave of attack on the problem of poverty. The intensity and results of this attack will depend crucially on how effectively each of the components in the package is implemented. For example, the benefit of a rural works programme will prove illusory unless the agricultural labourers have assured access to food at reasonable prices. Similarly, in the absence of an aggressive minimum needs type of programme, the agricultural labourers will have no effective opportunity to invest in their own education and health.

69.5.4 The strategy in the first phase ought to be get the problem of poverty under control and to impart certain minimal economic strength to the class of agricultural labourers. It needs to be clearly recognised that the responsibility for implementing this strategy rests squarely on the State and its agencies. It is equally important to realise that a conscientious implementation of this strategy by the State constitutes an essential precondition for the success of more abmitious programmes for agricultural labourers. In our view, an honest assessment of the programmes implemented so far for agricultural labourers would show that the State is yet to start playing a dominant role in relation to problems of agricultural labourers. Consequently, the highest priority in the immediate years to come needs to be accorded to the package of programmes falling in the first phase of the process for improving the conditions of agricultural labourers.

69.5.5 The second phase in the process may be termed as the institutional phase. The principal objective of this phase would be to nurture organisations and institutions among the agricultural labourers. It should be possible to utilise the rural works programme as a link between the first phase and the second. The rural works programme should provide a very congenial set of conditions for the emergence of organisations among the agricultural labourers such as labour cooperatives. These ought to be nurtured and sedulously promoted in the second phase to enable them to evolve into strong unions of agricultural labourers. The other line of advance would be along the strengthening and reorganisation of agricultural cooperatives and of craftsment's organisations to make them broadbased enough to include agricultural labourers who may have farming or village crafts as subsidiary occupations. While the unions

would help protect the interest of agricultural labourers in their main occupations, increasing participation by the agricultural labourers in the agricultural and other rural cooperatives is also an equally important objective to achieve. Besides enabling the agricultural labourers to put their subsidiary occupations on a sound basis, such participation could be a potent force in the better assimilation of agricultural labourers with the larger rural society as also in the eventual transference of some of them into agriculture and village crafts as the main occupations.

69.5.6 In addition to building up of organisations and institutions, the following two tasks also need to be taken up for implementation in the second phase. While a beginning with enforcement of minimum wages in agriculture could be made in the first phase, it is likely that a favourable context for the emergence of a comprehensive system for regulation of wages and working conditions in agriculture and for offering social security to labourers would be created only during the second phase. Sufficient progress with components providing a favourable context viz. an effective rural works programme, certain minimal improvements in the economic conditions of labourers and a strengthening of their representative organisations is likely to be recorded only during the second phase. The second task relates to the training of agricultural labourers to enable them to adopt suitable subsidiary occupations. Since such training is likely to make considerable demands on the time and energy of labourers, it is reasonable to expect that they will be motivated to put in the efforts to acquire training only when the institutional infrastructure for such occupations is already in the field and functioning well.

69.5.7 It should be obvious from what has been said above that the broad strategy in the second phase should be to build further on the ground prepared in the first phase with a view to endowing the agricultural labourers with an appropriate framework of organisations, institutions and systems and complementary programmes. It is necessary to take note of the inter-connections between the two phases, some instances of which have been briefly mentioned above, as also of the distinctly different package of programmes associated with the second phase as compared to that corresponding to the first phase. Underlying this difference is a change of emphasis in the second phase from programmes depending wholly on the initiative of State and implemented by it to programmes in which the initiative will gradually be assumed by the agricultural labourers themselves with the State remaining as a

partner in these programmes. While the performance of the first phase needs to be judged in terms of the decrease in the indicators of poverty of agricultural labourers, the criteria appropriate for judging the second phase should be based on the increase in the economic and organisational capabilities of agricultural labourers to stand on their own feet and to mould their own future with the help of but not through exclusive dependence on the State.

69.5.8 The strategy suggested above implies that ambitious measures for provision of social security to agricultural labourers—measures like provident fund, unemployment and sickness insurance, etc.—will have to wait until a sound foundation for them is laid with the help of the first phase programmes. However, this does not mean that the necessary legislative and other steps for this purpose should be postponed indefinitely. In fact, it is our strong desire to urge the State Governments to move as quickly as possible in enacting suitable legislation along the lines of the Kerala Agricultural Workers' Bill which contains a nucleus provision capable of being developed into a social security programme. It appears to us that the Kerala Agricultural Workers Bill is a most welcome effort to integrate regulation of wages in agriculture with improvements in working coordination and provision of social security. It is to be hoped that the Bill will bring about a keener awareness among the agricultural labourers about their rights and will enable them to secure these rights through due processes of law.

69.5.9 The third and most difficult phase of the process consists of programmes intending to bring about a change in the structure of rural society and a diminution in the concentration of power in the upper strata of rural society based on such considerations as higher caste-status, ownership of land, control of trading and money lending activities and political influences over the machinery and agencies of the Government at all levels. The planning and implementation of the programmes with these objectives *viz.* redistribution of land, regulation of tenancy, abolition of rural usury, etc. have been going on in India for nearly quarter of a century and some of the programmes even go back to the pre-Independence decades. It would not be disputed that the impact of these programmes on the poorest sections of rural society like agricultural labourers has so far been entirely negligible.

69.5.10 The strategy most likely to be effective in protecting the agricultural labourers from the local overlords would be to loosen their hold on them through the first and second phase programmes described above which should be accompanied by political-

cum-legislative efforts to divest such people of their power. It cannot be over-emphasised that the success of these efforts will be in direct proportion to the extent to which the necessary preconditions are provided by the programmes to be implemented during the first and second phases. It is for this reason that we put these efforts in the third phase of the process of improving the conditions of agricultural labourers.

69.5.11 The main implications of the phase-wise description of the process given above relate to the priorities to be adopted in devising the policy approaches towards agricultural labourers. According to our reading of the situation, the highest priority needs to be accorded to the programmes in the first phase which should be implemented with time-bound targets. These programmes should be followed by the programmes which seek to provide an institutional and structural environment for agricultural labourers characterised by fairness, security and incentives and opportunities for productive life. This is not to be interpreted to mean that no beginning with the latter programmes should be made until the completion of the first phase. We are only suggesting that the full impact of these programmes is unlikely to be realised in the context of an indifferently implemented first phase. It is particularly necessary to be forewarned that without the prior support of the programmes in the first two phases the programmes for structural change are likely to produce little besides impressive but empty rhetoric.

Policy Approach in Typical Situations

69.5.12 It is not to be expected that the broad sequence of phases described above provides a suitable model for phasing and integration of programmes in each of the widely varying situations obtaining in the country. It only offers a broad visualisation of the process which, in our view, reflects certain general and pervasive feature characterising the Indian society. However, the situation in any specific region or area would also contain many individual peculiarities which make it necessary that the broad visualisation be modified and particularised when considering the phasing and integration of programmes in that region. The purpose of this section is to outline some examples of such 'particularised' models both with a view to illustrating the need to modify the broad visualisation and drawing attention to some typical situations each

one of which may be expected to have wide prevalence in the country.

69.5.13 We first describe a situation offering good scope for approaching the problems of agricultural labourers along the lines of labour in organised industries. This situation, typically, will have relatively prosperous agriculture, proximity to urban areas and urban influences and a social structure not characterised by extremes of caste-cum-semifeudalistic inequity and rigidity. Wage employment in agriculture in this situation is likely to be relatively free from excessive seasonality and wage levels from very low troughs. It may be expected that the agricultural labourers in this situation frequently and regularly avail of non-agricultural employment and that their poverty is not of the type which bars mobility, access to channels of communication and information and emergence of organisations among agricultural labourers. It is even likely that rudimentary organisations of labourers already exist in this situation or are in the process of formation.

69.5.14 We feel that the appropriate long-term strategy and aim in the situation described above would be to follow the first phase programmes by vigorous second phase programmes to promote unionisation of agricultural labourers and to set up comprehensive official machinery and procedures for regulation of wages and working conditions in agriculture and for provision of social security benefits to agricultural labourers. It should be possible in this situation to make a relatively quick transition to the second phase and, further, to initiate fairly rapid improvements in the conditions of agricultural labourers through an inclusive legislative enactment like the Kerala Agricultural Workers' Bill referred to earlier above. The policy approach and the sequence of programmes described in this paragraph may together be termed as constituting the 'industrial labour' model to solve the problems of agricultural labourers.

69.5.15 In considering the scope for applying this model, it is not enough to take into account only the presently prosperous and semi-urbanised agricultural areas. Many areas with a good potential for development of horticultural and plantation-type crops are likely to eventually reach a stage of development in which the industrial labour model would be the appropriate approach to tackle the problems of agricultural labourers in these areas. More importantly, regions undergoing rapid technological change in agriculture resulting in sustained increase in production and demand for wage labour, whose numbers may be expected to increase in

future, would also be characterised by conditions suitable for the application of this policy approach. In fact, the 'industrial labour' model may be the only practicable model in these areas to enable agricultural labourers to share in the benefits of technological change and to put pressure on employers to desist from premature and socially unjustifiable mechanisation of agricultural operations.

69.5.16 The second typical situation to be considered is the one likely to prevail in regions where the poverty of agricultural labourers derives from deep and pervasive poverty within agriculture as a whole. These would be backward and relatively isolated regions presenting no perceptible contrasts between the conditions of agricultural labourers and those of other rural groups like cultivators, all groups being about equally desparately poor. The demand for wage-labour in agriculture in those regions is unlikely to sizable and brisk enough to sustain well-organised labour markets and to permit emergence of a distinct and large class of people obtaining their livelihood chiefly by working for wages in agriculture. Isolation, extreme underdevelopment of social and economic infrastructures and sub-optimum utilisation of local resource bases are likely to be the prime characteristics of these regions as also the principal factors lending the dull hue of poverty to the entire landscape of these regions.

69.5.17 There would be little basis or justification in these regions for a strategy which considers agricultural labourers apart from the other groups in the rural society. The phase-wise process outlined earlier in this section needs a reinterpretation in these regions to cover all the groups in the population along with regional resources with a view to bringing these regions within the main stream of nation's economic life. Their need for the first phase programmes is too obvious to require stress. It should also be obvious that these programmes need to be implemented along with rather than prior to the programmes in the second phase both being integrated within a broader developmental strategy for these regions. The process of pulling these regions out of poverty would undoubtedly be a long-drawn process. On the other hand, since the basic infrastructures are yet to be built up in these regions, the regions would offer challenging opportunities to the policy-maker to shape the societies in these regions right from the beginning along the most desirable lines. One important implication of this proposition is that the best way for these regions to get over the problems of agricultural labourers would be to prevent them from arising in the first place. In particular, they should ensure that the process of

development of agriculture helps in diminishing the existing landlessness without adding to it. The policy approach sketched in this paragraph may be taken as providing the 'development' model to tackle the problems of agricultural labourers.

69.5.18 The bonded labour in agriculture provides another important and typical situation which, in significant respects, differs from both the situations noted above and, hence, merits separate consideration. The abject poverty of these labourers and their slave-like status in the rural hierarchy have been made familiar by some recent writings on agrarian conditions. Many of the areas where the system is present seem to be in a state of arrested development with good soils and irrigation being managed by indifferent and even callous husbandry. Far from being an aberration, such a state is a natural and logical outcome of a millieu in which neither the labourer's exertions nor the initiative and enterprise of landlords are development-oriented. The millieu allows barest of subsistence to labourers in exchange for exertions which can only further nourish the landlord's status, opulence and his grip over the labourer. Inevitably, such a millieu much engender a sense of hopelessness in the minds of labourers and, on the other hand, promote distrust and hostility among the landlords towards things even remotely suggestive of development which may bring liberation in its trail. In a word the miseries of labour in the bonded labour system is not an incidental feature of the system. It is an essential ingredient in the functioning of the system and, hence, will continue to be a part of the system till the system lasts. It needs to be noted that there is nothing in the bonded labour areas to suggest that the system on its own would get progressively weakened or that the events and influences prevailing in the wider world around the system must after a point began automatically to impinge on its basis. An Ordinance has been issued abolishing bonded labour and the various inequalities perpetuated under this system against this weaker section of the community. It is hoped that the States will soon pass enabling legislation to bring this into force and take energetic steps to enforce its provisions.

69.5.19 There are two pre-requisites which need to be met before even a beginning could be made with any programmes for bonded labour. First is the restoration of rule of law in the bonded labour areas. Deception and duress are the two main pillars which have sustained the system of bonded labour and many things that regularly happen under the system are in flagrant violation of prevailing laws both in spirit and letter. The second pre-requisite is

the observable presence of the State on the side of labour. This presence needs to manifest itself in drastic and punitive measures against the landlords to loosen their hold on land, rural finance and trade. We are not suggesting that these measures by themselves would usher in the structural change needed by the area. Their main purpose would be to throw in disarray the established rhythm of the system and to displace the arrogance of power with the fear of law. But putting new teeth into the laws is only the first step. The work of implementing them should be entrusted to officials with imagination, drive and above all sympathy for the tribals. The State Governments should make it a point to post only such men in tribal areas as have an understanding of tribal problems and genuinely like to work there. They should also take steps to ensure that those who cease to be bonded slaves do not fall into the clutches of money lenders again. Credit from cooperative banks and *panchayat* thrift funds should be made available to them where possible. The farmers among them should be given interest-free loans to buy implements and also provided with inputs at concessional rates, while their children should be granted special scholarships. But even all this will not be of much help if those held in bondage so far remain sceptical about their new rights because of their past experience. A vigorous propaganda campaign should be launched to convince them that the administration is doing all this for their benefit. The needs of phasing and integration of programmes beyond this point are likely to be somewhat different from one area to another. In the areas in which the landlords belong to cultivating classes the best course may be to help the system evolve among the path indicated by the 'industrial labour' model; where the landlords are pure absentee rentiers, it would be best to get them out of agriculture and to improve the conditions of labourers through the policy approaches implied in the 'development' model. Among the typical situations considered in this section, the conditions of agricultural labourers are possibly much worse in the hitherto bonded labour areas and, consequently, the need in these areas is both for drastic initial measures and for sustained implementation of the programmes in all the three phases.

69.5.20 Our attempt in the last few paragraphs has been to provide a glimpse into the wide variety of conditions prevailing in the country in relation to the problems of agricultural labourers and suggest the need for variation in the policy approach to be adopted towards agricultural labourers from one set of conditions to another. This point taken along with the phase-wise view of the

process implies that no single uniform pattern for phasing and integration of programmes will be suitable over the entire range of conditions encountered in the country. To emphasise this proposition, three 'particularised' policy approaches have been presented in this section. They bring out the need to match the package of programmes with the prevailing conditions and potentialities of each typical situation. More importantly, they also show that while the economic position of agricultural labourers in some of the areas may be susceptible of fairly rapid improvement through policies focussed narrowly on this class, improvements in the conditions of agricultural labourers in other areas would call for a far greater degree of commitment on the part of the State than has been displayed so far to lift up the economies of backward regions and to obliterate parasitic elements in agriculture with an impressive weight of traditions, institutions and political influence behind them.

69.5.21 In conclusion, we would like to stress the vital role that information, statistics, monitoring and evaluation play in effective phasing and integration of programmes. As was seen in section 2, the weaknesses and limitations of current data make it difficult to form any firm assessment of even the changing economic conditions of agricultural labourers. The situation in this respect is far more disheartening for those who have to undertake detailed analysis of specific policies and programmes. It is obvious that the present rudimentary system of collection and compilation of data on agricultural labourers needs thorough revision, strengthening and extension to improve the information output along all its major dimensions *viz.* coverage, quality, timeliness of availability and indicators and aspects brought within the reach of measurement and analysis. It appears to us that the system of data on agricultural labourers should be based on the village-level registration of agricultural labour households capable of providing both an appropriate frame for collection of sample data and the broad socio-economic context of this class for data analysis. The stages of compilation, processing and reduction of data for presentation in standardised formats would also have to undergo considerable improvement. The data system should aim not merely at providing information about agricultural labourers; in a more positive vein, it should strive to encourage growing and fruitful use of its output, chiefly through ensuring case of access and retrival, by policy-makers, programme-personnel, researchers and social workers. In a sense, the prevailing extreme deficiencies in information and statistics relating to agricultural labourers are a correlate of the general neglect of this

class, until very recently, in the programmes for development. Conversely, programmes for removing the poverty of this class would need in the course of their formulation and implementation not merely comprehensive sets of basic statistics on a continuing basis but also a large range of implementation and impact studies to ensure that the resources devoted to these programmes effectively serve their objectives. Therefore, it is felt necessary that a special cell in the Ministry of Labour or Ministry of Agriculture and Irrigation should be entrusted with the task of collection compilation and expeditious publication of basic statistics relating to agricultural labourers on a continuing basis.

6 SUMMARY OF RECOMMENDATIONS

69.6.1 The principal recommendations for improving the conditions of agricultural labourers are given below:

1. Under the Minimum Wages Act of 1948, many States have fixed minimum wages to be paid to agricultural labourers. But most of the provisions of the Act have remained on paper. To be effective, the policy for minimum wages for agricultural labourers calls for planned and concerted efforts for enforcement in selected priority areas.

(Paragraphs 69.3.1 and 69.3.15)

2. There should be a small body at the State level making a review of the implementation of the provisions of the Minimum Wages Act. It is of utmost importance to arrange for constant and vigilant supervision over implementation.

(Paragraph 69.3.14)

3. The minimum wage legislation should work for a progressive increase in the minimum level through positive programmes to eliminate 'poverty of agriculture' and through gradual strengthening of the enforcement machinery. The long term target of the legislation should, of course, be to ensure the need based minimum for all agricultural labourers.

(Paragraph 69.3.17)

4. Enforcement of minimum wages by the Panchayat under the guidance and supervision of a watch dog committee would bring in substantial and enduring benefits to agricultural labourers. It should be the responsibility of this committee to lay down the working procedure for enforcement and to function as an appellate body to look into the grievances arising in the process of enforcement.

(Paragraphs 69.3.19 and 69.3.20)

5. It is no less important to strengthen the official machinery for inspection, conciliation and enforcement. The modified enactments in this regard now being implemented by the Government of Kerala and Maharashtra should be studied by the other State Governments with a view to introduce similar provisions in the minimum wage laws, wherever necessary.

(Paragraph 69.3.21)

6. A long term solution of the enforcement of minimum wages would lie in the effective unionisation of agricultural labourers. The supporting role that the State can play in this respect should receive careful consideration.

(Paragraph 69.3.22)

7. As the direct enforcement of minimum wages would take time to be effective, the policy on minimum wages needs to be integrated with the 'employment creating' programmes, such as rural works programme, to influence wages indirectly by offering alternative employment. However, the objective should not be to assign a relief-cum-welfare role to rural works programmes.

(Paragraph 69.3.24)

8. While distributing surplus land made available as a result of ceiling on land holdings, priority should be given to agricultural labour. It would be desirable that surplus land is allotted in compact blocks to facilitate the management of land on cooperative basis. Such a step would facilitate the adoption of a policy of directing the flow of future public investments in irrigation and land development for the benefit of the under-privileged.

(Paragraph 69.4.3)

9. Certain lines of production like printing of textiles and weaving of multi-coloured textiles should be reserved exclusively for the 'household and small producer sector not using power'. This would provide a major impetus and scope for classes like agricultural labourers to adopt these lines as main/subsidiary occupations.

(Paragraph 69.4.14)

10. The strengthening of land base would, in our view, be the most important single measure in promoting subsidiary occupations like dairying, poultry, vegetable-gardening, etc. among the agricultural labourers. Small and marginal farmers and agricultural labourers should be given all help like access to an artificial insemination centre, milk collection centre, and availability of veterinary facilities to induce them to take to dairying. Second priority should be given to development of poultry, horticulture and fishery, depending on the availability of land, skill and willingness of the labourers.

Arrangements for marketing the products of these activities should also be made.

(Paragraphs 69.4.15 to 69.4.17)

11. There should be a regular programme of enrolling rural youth for vocational training in special institutions. After such training, they should be given facilities to set up workshops or work places to cater to the needs of the villages either on individual or group basis.

(Paragraph 69.4.18)

12. The requirements of land needed for constructing shelters to live and sheds to work for each household belonging to agricultural labour, scheduled castes, scheduled tribes, village artisans and other weaker sections, should be worked out by each village.

(Paragraph 69.4.20)

13. Attempts should be made to bring together the surplus lands given to agricultural labourers, the house-sites allotted to them and the land acquired by the State for this purpose in a contiguous block. A redevelopment plan of the area thus consolidated should be prepared providing for drainage, sanitation, paved streets, community drinking water sources and electricity.

(Paragraph 69.4.20)

14. Once the house-sites/additional land over the existing sites have been made available, programme for mass construction/improvement of houses on such sites including sheds for subsidiary occupations should be organised. This programme should be organised on aided self-help basis. It would be desirable if this phase of the programme is made a part of the rural works programme.

(Paragraph 69.4.20)

15. In designing the programmes for agricultural labourers the highest priority in the initial phase should be accorded to rural works programmes, an effective net work for distribution of foodgrains at fair prices, and the welfare programmes for education, health and housing, in order to provide quick and substantial relief to agricultural labourers and to raise their level of living to a certain minimum specified level. These should be implemented with specified time-bound targets.

(Paragraph 69.5.3)

16. After sufficient progress is achieved in imparting certain minimal economic strength to the class of agricultural labourers, conditions will be ripe for legislative measures for social security programmes like provident fund, unemployment and sickness insurance etc.

(Paragraph 69.5.8)

17. The rule of law which has so far not been very effective should be restored in the areas where bonded labour prevails. The State should make its presence manifest on the side of this class of people and take drastic and punitive measures against landlords and money lenders and other traditional exploiters to loosen their hold on land, rural finance and trade. Only such officials who have an understanding of tribal problems and genuinely work for them should be posted to such areas.

(Paragraph 69.5.19)

18. A vigorous propaganda campaign should be launched among the bonded labour to convince them of the sincerity of these measures and enlighten them on their rights and of the new opportunities for a better life. The farmers among the bonded labour should be given interest free loans to buy inputs and implements at concessional rates while their children should be granted special scholarships.

(Paragraph 69.5.19)

19. The present rudlimentary system of collection and compilation of data on agricultural labourers needs thorough revision, strengthening and extension to improve the information output along all its major dimensions. Immediate action be initiated by the State Governments to see that every local authority should maintain a register of agricultural labourers residing within its jurisdiction. This information will be of prime importance in planning and implementing the wide range of programmes intended for this class.

(Paragraph 69.5.21)

20. The country still lacks reliable statistics and data to assess the changing economic conditions of agricultural labourers as reflected in levels of wages, employment, income, indebtedness etc. A special cell in the Ministry of Labour or Ministry of Agriculture and Irrigation should be entrusted with the task of collection, compilation and expeditious publication of basic statistics relating to agricultural labourers on a continuing basis.

(Paragraph 69.5.21)

We have completed the task assigned to us and are presenting this Report in 69 Chapters in 15 Volumes. The twenty-four Interim Reports grouped into six Volumes and Statewise Reports on Rainfall and Cropping Patterns are also being presented as Companion Volumes. With a view to placing before the general public the main conclusions of this Report, an abridged version would be brought out separately.

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New Delhi,
January 31, 1976.

APPENDIX 69·1

(Paragraph 69·2·3)

Average Daily Earnings of Adult Male Agricultural Labourers[1]

Zone/State	1950-51*	1956-57	1964-65			Increase in 1964-65 over 1956-57	
			Cash	Kind	Total	Absolute	Percentage
Central Zone	1·00	0·86	0·54	0·56	1·10	0·24	27·9
Uttar Pradesh	1·18	0·92	0·63	0·47	1·10	0·18	19·6
Madhya Pradesh	0·79	0·76	0·42	0·69	1·11	0·35	46·1
Eastern Zone	1·24	1·06	0·80	0·75	1·55	0·49	36·2
Bihar	1·26	0·91	0·31	1·08	1·39	0·48	52·7
West Bengal	1·66	1·43	1·33	0·48	1·81	0·38	26·6
Orissa	0·72	0·80	0·73	0·60	1·33	0·53	66·2
Assam (a)	1·90	1·54	1·80	0·41	2·21	0·67	43·5
Manipur (b)	NA	NA	NA	NA	NA	NA	NA
Tripura	NA	NA	1·67	0·30	1·97	NA	NA
Southern Zone	1·01	0·91	0·99	0·43	1·42	0·51	56·0
Andhra Pradesh	0·97	0·87	0·75	0·46	1·21	0·34	39·1
Tamil Nadu	0·97	0·84	0·97	0·42	1·39	0·55	65·5
Kerala	1·26	1·28	1·77	0·34	2·11	0·83	64·8
Western Zone	0·97	0·86	1·13	0·27	1·40	0·54	62·8
Gujarat	1·01	0·87	1·17	0·30	1·47	NA	NA
Maharashtra	NA	NA	1·21	0·26	1·47	NA	NA
Karnataka	0·90	0·84	0·94	0·27	2·21	0·37	44·0
Northern Zone	1·56	1·63	1·10	0·94	2·04	0·41	25·2
Rajasthan	1·23	0,98	1·27	0·49	1·76	0·78	79·6
Punjab & Haryana (c)	1·84	1·98	1·05	1·08	2·13	0·15	7·6
Jammu & Kashmir	NA	NA	0·71	1·22	1·93	NA	NA
Delhi	NA	NA	1·69	0·06	1·75	NA	NA
Himachal Pradesh(e)	NA	NA	NA	NA	NA	NA	NA
All India (d)	1·09	0·96	0·89	0·54	1·43	0·47	49·0

*Relate to casual agriculture labourers only.

NA—Not available.

(a) for 1950-51 and 1956-57, Assam includes Manipur & Tripura.

(b) in Manipur none happened to be engaged in agricultural operations during 1964-65.

(c) for 1950-51 and 1956-57 Punjab & Haryana includes Delhi and Himachal Pradesh.

(d) All-India includes Jammu & Kashmir for 1950-51 & 1956-57 as well.

(e) In Himachal Pradesh there was no agricultural labour household in the samp 1964-65.

[1] 1975 Rural Labour Enquiry (1963-65). Final Report, Labour Bureau, Ministry of Labour, Government of India, Simla.

APPENDIX 69·2

(Paragraphs 69·2·4 and 69·2·13)

Average Daily Real Earnings of Adult Male Agricultural Labourer in Selected States of India[1]

Zone/State[2]	Money earnings (Rs.)		Agricultural consumer price Index numbers (base:1956-57 = 100)	Real earnings (at 1956-57 1964-65 prices)
	1956-57	1964-65	1964-65	1964-65
Central Zone				
Madhya Pradesh	0·76	1·11	137	0·81
Eastern Zone				
Bihar	0·91	1·39	156	0·89
West Bengal	1·43	1·81	142	1·27
Orissa	0·80	1·33	151	0·88
Assam (a)	1·54	2·21	128	1·73
Southern Zone				
Andhra Pradesh	0·87	1·21	138	0·88
Kerala	1·28	2·11	146	1·45
Western Zone				
Karnataka	0·84	1·21	168	0·72
Northern Zone				
Rajasthan	0·98	1·76	142	1·24
Punjab-Haryana(b)	1·98	2·13	143	1·49

[1] *Ibid.* 1 (p. 298)

[2] Information has been given in respect of only those States for whom consumer price indices for 1956-57 and 1964-65 were available.

(a) for 1956-57, Assam includes Manipur and Tripura.

(b) for 1956-57 Punjab-Haryana includes Delhi and Himachal Pradesh. Figures relate to casual labourers only.

APPENDIX 69·3

(Paragraph 69·2·19)

Percentage Distribution of Non-cultivating Rural Labour Households according to their Monthly Per Capita Expenditure Class[1]

Monthly per capita expenditure class (Rs.)	Gujarat	Karnataka	Madhya Pradesh	Maha-rashtra	Orissa	Punjab	Rajas-th an	Tamil Nadu	Uttar Prades h
0—8	..	0·7	0·6	..	0·9	..	0·3	0·6	0.3
8—11	0·2	1·2	1·9	0·5	2·8	..	0·3	1·1	1·6
11—13	1·0	2·3	2·5	0·4	3·2	..	2·1	3·4	2·0
13—15	3·2	3·2	4·5	2·3	6·2	..	1·8	6·1	3·9
15—18	6·0	10·4	12·2	7·9	10·7	1·1	8·7	7·1	9·2
18—21	13·7	11·1	14·2	9·8	13·4	2·8	7·4	14·5	12·3
21—24	11·7	12·3	14·5	11·8	14·3	7·1	18·6	13·4	12·8
24—28	13·7	16·9	15·3	17·0	15 2	10·0	12·7	18·4	12·3
28—34	14·2	17·4	14·9	23·1	12 0	18·5	9·3	12·8	16·9
34—43	15·1	12·9	9·3	17·4	11·1	27·8	15·6	12·0	11·6
43—55	9·8	8·5	5·6	6·3	6·8	18·5	15·6	6·8	11·0
55—75	6·2	2·6	2·6	2·8	2·7	7·8	5·3	2·8	4·2
75 and above	5·2	0·5	1·9	0·7	0·7	6·4	2·3	1·0	1·9
Total	100·0	100.0	100·0	100·0	100·0	100·0	100·0	100·0	100·0

[1] *I bid*. 1 (p. 244)

APPENDIX 69·4

(Paragraph 69·2.20)

Incidence and Extent of Indebtedness among Agricultural Labour Households[1].

Zone/State	Percentage of indebted households to total households		Average debt per indebted household (Rs.)	
	1956-57	1964-65	1956-57	1964-65
Central Zone	62·0	66·8	170	264·60
Uttar Pradesh	71·8	71·5	197	279·61
Madhya Pradesh	47·3	59·8	108	238·29
Eastern Zone	63·2	60·1	103	173·77
Bihar	68·5	70·7	142	212·07
West Bengal	69·2	32·0	56	98·59
Orissa	59·1	47 1	67	154·66
Assam (a)	29·9	43·5	35	118 96
Manipur	NA	NA	NA	NA
Tripura	NA	51·2	NA	118·72
Southern Zone	70·2	62·3	132	239·28
Andhra Pradesh	66·2	64·8	154	270·19
Tamil Nadu	72·3	59·8	124	248·54
Kerala	70·1	61·7	79	126·61
Western Zone	55·2	50·2	128	240·52
Gujarat	46·8	37·0	101	294·15
Maharashtra	NA	46·6	NA	167·40
Karnataka	72·8	63·0	164	311·69
Northern Zone	73·6	74·1	358	612·14
Rajasthan	61·6	76·4	352	584·89
Punjab-Haryana (b)	79·0	73·3	363	628·69
Jammu & Kashmir	NA	58·3	NA	224·18
Delhi	NA	44·4	NA	1060·17
Himachal Pradesh	NA	NA	NA	NA
All-India(c)	63·9	60·6	138	243·87

[1] *Ibid.* 1 (p. 298)

NA.– Not available.

(a) for 1956-57, Assam includes Manipur and Tripura.

(b) for 1956-57, Punjab-Haryana includes Delhi and Himachal Pradesh.

(c) for 1956-57, All-India includes Jammu & Kashmir.

APPENDIX 69·5

(Paragraph 69·3·1)

Rates of Minimum Wages Fixed or Revised under the Minimum Wages Act, 1948 for Lowest Paid Unskilled Workers in respect of Agricultural Operations

(Rs. per day)

State/ Union Territory	Year of initial fixation	Initial wage rates fixed	Year of revision	Revised wage rates	Remarks
1	2	3	4	5	6
Andhra Pradesh	1954	0·75 to 1·50	(i) 1961 (ii) 1966 (iii) 1968 1974	0·87 to 1·25 1·00 to 2·00 1·50 to 3·00 Male—2·25 to 4.00 per day Female—2·00 to 3·00 per day according to zone and occupation.	The State proposes to revise in the range of Rs. 3 to Rs. 4 per day.
Assam	Prior to 1953	(i) 1·00 to 1·25 (Cachar area) (for 5 hours work) 1·50 (for 8 hours work)	1974	5·00 to 6·00 per day, 4·50 to 5·50 per day if one meal is provided according to occupation.	
	1959	(ii) 1·53 (remaining area) plus one meal per day or 1·75 to 2·00 (without meal)	..	..	
Bihar	Prior to 1953	Wages in kind	(i) 1961 (ii) 1968 1974	Wages in kind Do. The minimum rates of wages have been fixed in kind. Cash value of such wages is computed in accordance with Bihar Minimum Wages Rules, 1961, subject to a minimum of Rs. 4·00 & Rs. 5·00 plus Nashta per day according to area.	

APPENDIX 69·5 (Contd.)

1	2	3	4	5	6
Gujarat	Prior to 1953	0·75 to 1·00	1967 1972	1·25 to 3·00 (whole State) 3·00 per day	A revision is under consideration.
Haryana	Prior to 1953	0·75 to 2·00 (with meals) or 1·00 to 2·50 (without meals)	1960 1973	1·00 to 2·00 (with meals) or 1·25 to 2·50 (without meals) 4·50 per day with meals, 6·00 per day without meals.	An upward revision is under consideration.
Karnataka	Prior to 1953	1·31 (Coorg area only)	(i) 1959 (ii) 1963 1973	0·50 (for cattle graze) 0·75 (for cattle graze) 2·50 to 4·30 per day according to type of land & class/classes of work.	The State Government has announced an increase of 30% of wages from October 2, 1975.
Kerala	1957	1·00 to 1·62 (2·75 with labourers bullocks)	(i) 1964 (ii) 1968 1973	1·70 (2·75 with labourers bullocks) 4·50 (7·50 with labourers bullocks) Male—4·00 per day Female—3·00 per day	
Madhya Pradesh	1954	0·62 to 0·87	(i) 1959 (ii) 1970 1974	0·90 to 1·35 1·25 to 1·75 Male—1·60 to 2·20 per day zone-wise.	The State Government proposes to revise wages which are likely to range between Rs. 2·75 and Rs. 4·00 per day.
Maharashtra	Prior to 1953-1954	0·62 to 1·00	.. 1974	.. 3·00 to 4·50 per day according to areas	
Orissa	1954	0·62 to 0·75	(i) 1960 (ii) 1965 1974	0·87 to 1·75 1·00 to 1·75 3·00 per day.	Proposed to revise to Rs. 4 per day.

APPENDIX 69.5 (Contd.)

1	2	3	4	5	6
Punjab	Prior to 1953	0·75 to 2·00 (with meals) or 1·00 to 2·50 (without meals)	1960	1·00 to 2·00 (with meals) or 1·25 to 2·50 (without meals)	
			1972	4·00 to 6·00 per day (with meals) 5·50 to 7·50 per day (without meals).	
			1975	Rs. 4·65 to Rs. 5.65 per day (with meals) or Rs. 6·70 to Rs. 7·70 per day (without meals). according to areas.	
Rajasthan	Prior to 1953	0·75 to 1·25	..	..	
			1973	85·00 to 100·00 per month according to areas.	
			1975	4·25 to 5·00 per day according to areas.	
Tamil Nadu	1959	0·75 to 1·25	..	..	
			1973	3·00 per day (male)	
				1 75 per day (female)	
Uttar Pradesh	1954	1·00	1961	1·50 to 1·80	
			1972	2·50 to 3·30 per day according to size of farms.	
			1975	5·00 to 6·50 per day or Rs. 130 to Rs. 169 per month according to regions.	
West Bengal	1953 & 1959	1·50 to 2·25	1968 1·10·74	3·00 to 3·88 adults—basic 5·60 per day 1·65 d.a. ——per day 7·25 children—basic 4·00 per day 1·19 d.a. ——per day 5·19	

APPENDIX 69·5 (Contd.)

1	2	3	4	5	6
				The monthly rates are Rs. 123·38 for adults and Rs. 70·05 for children alongwith at least two meals and accommodation.	
Delhi	Prior to 1953	1·50 to 2·00	1970 1973	4·00 5·00 per day or Rs. 130 per month.	Proposes to revise wages at the rate of Rs. 6·50 per day or Rs. 169 per month.
Dadra & Nagar Haveli	1967	2·00	— 1973	— 3 00 per day	
Himachal Pradesh	Prior to 1953	0·75 to 2·00 (with meals) or 1·00 to 2·50 (without meals) for erstwhile area of Punjab.	1960	1·00 to 2·00 (with meals) or 1·25 to 2·50 without meals for erstwhile area of Punjab.	
	1959	1·50	1966	2·50	
			1969	3·00	
			1972	3·75 per day	
			1974	4·25 per day or Rs. 127·50 per month.	
Tripura	Prior to 1953	2·00 or 1·12 (plus three meals a day) to 1·62 plus existing perquisites.	1961	2 00 (Plus existing perquisites)	
			1961	2·00 per day.	(i) The workers are actually getting higher wages than what has been fixed under the M.W. Act. The following are the rates : Male—3·00 to 4·00 per day. Female—2. 50 to 3·00 per day. (In peak seasons the wage rates are as high as Rs. 5·00 per day). (ii) The minimum wages are under revision

APPENDIX 69·5 (Concld.)

1	2	3	4	5	6
					by the State Government. The report of the Committee is under examination.
Manipur			NA	4·00 to 4·50 per day according to areas.	
Meghalaya			NA	Male—4·00 to 5·00 per day. Female—3·25 to 4·50 per day.	The State proposes to revise the wages ranging from Rs. 4·50 with one meal or Rs. 5·00 per day.
Nagaland			..	..	No minimum wages have been fixed under the M.W. Act. The current rates range between Rs. 8·00 and 10·00 per day.

Source—Ministry of Labour.

APPENDIX 69.6

(Paragraph 69.9.21)

A Summary of the Provisions contained in the Kerala Agricultural Workers' Bill*

1. Objectives of the Bill

"The need for stable pattern of working relationship between the owners and agricultural labourers is ever present and continuous. This could be brought about only by devising new institutions or by reforming the existing ones so as to provide for regulation of service conditions, for dispute settlement machinery and for welfare of agricultural workers. Then only it should be possible to create a climate of enduring industrial harmony conducive to increased productivity which is the desideratum for development. The only significant legislative measure so far adopted by the country for agricultural labour is the inclusion of agriculture as one of the employment in the schedule appended to the Minimum Wages Act enacted in 1948. But the implementation of this legislation has suffered a great deal from its inherent inadequacies. As pointed out by the National Commission on Labour, it has remained a dead letter in many of the States in India. At present there is no legislation in Kerala which confers benefits on agricultural workers except the Minimum Wages Act, 1948. Therefore, Kerala Government considered it necessary to enact a legislation conferring benefits on agricultural workers such as security of employment, payment of wages higher than the minimum rates of wages fixed or revised in the Minimum Wages Act, etc. It was also considered necessary to provide for the constitution of an Agricultural Workers' Provident Fund. Disputes concerning agricultural workers are being settled through voluntary arrangements which have proved to be ineffective. Therefore, statutory provisions on the lines of those contained in the Industrial Disputes Act for settlement of disputes concerning agricultural workers were considered necessary."

2. Minimum Wages and their Enforcement

The Bill defines the wages to be enforced as the 'prescribed wages'. These are wages 'which shall not be less than the minimum rates of wages or more than 15 per cent in excess of the minimum rate of wage as may be specified by the Government notification in the Gazette or the agreed rates of wages, whichever is higher. The rates of wages decided by an Industrial Relations Committee or agreed at conferences held by the Government or the Labour Department shall be deemed to be agreed rates of wages.' It is pertinent to note that the concept of 'prescribed wages' permits more frequent revisions in the wages to be paid to labourers by conferring power on the Government to raise the wages upto 15 per cent above the level fixed in the Act and, more importantly, by extending explicit legal recognition to wages fixed through agreements among the parties. This new concept

*Based on "New Deal to Farm Labour-Salient Features of the Kerala Agricultural Workers Bill" issued by the Public Relations Department, Government of Kerala. The quotations given in this summary are from this publication and not from the text of the Bill.

should enable the minimum wage legislation to overcome the rigidity of wages specified in the Act due to the difficulties in effecting frequent amendments to the Act and should also provide strong incentives and opportunities to unions of agricultural labourers or local leaders to influence wages in agriculture through bargaining with employers.

The Bill provides for appointment of single member Agricultural Tribunal consisting of an officer not below the rank of Deputy Collector, Conciliation Officers in the Labour Department and Inspectors for enforcing the provisions of the legislation. The Conciliation Officers shall attend to complaints about non-payment of 'prescribed wages'. They are given powers to recover in kind the amount of wages to be paid by the employer with a further provision that, if such recovery is not possible, the Collector should proced to recover the same from the employer as arrears of public revenue due on land. While an appeal will lie to the Agricultural Tribunal from any order passed by the Conciliation Officer the Tribunal has no power to stay the operation of the orders of the Conciliation Officer.

Besides attending to complaints about wages as and when they are received, the Bill also expects the Conciliation Officers to play a more active and constructive role by holding conciliation proceedings where any other kind of agricultural dispute exists or is apprehended. In the event of his failure to bring about a settlement, the dispute will be referred for adjudication to the Agricultural Tribunal and strict time limits have been laid down for the giving of the award by the Tribunal and its subsequent enforcement by the District Collector. The Bill empowers the Government to decide any agricultural dispute themselves and pass an award. It also bars the jurisdiction of civil courts in respect of matters falling within the scope of the legislation and enables the agricultural workers or their assignees/heirs to apply to the District Collector for the recovery of moneys due to them in pursuance of settlements or awards as arrears of public revenue due to land. The impression that one gets is that the Bill seeks to provide a machinery of enforcement which is labour-oriented, speedy, effective and less likely to get bogged down in prolonged court proceedings.

3. Security of Employment

The principal stipulation of the Bill in relation to security of employment is that 'a landowner shall not employ any agricultural worker other than an agricultural worker who had worked in the same land during the previous agricultural season'. Preference shall be given to agricultural workers employed in the same land during the same agricultural season. Where there are permanent workers of the landowners such workers shall be given preference over other agricultural workers. Permanent worker means an agricultural worker who is bound by custom or contract or otherwise to work in the agricultural land of the landowners.* The Bill also contains provisions to protect the interests of workers who, due to reasons beyond their control, could not work for their traditional landowners in the previous agricultural season or who might have taken up alternative employment for some part of the current agricultural season. A landowner can engage a worker from

*The term 'landowner', in the Bill refers to person in cultivating possession of land, whether an owner, tenant or mortgagee.

outside the priority categories only when his total requirements exceeds the number contained in these categories.

Several features of this novel provision in the Bill deserve to be noted. First, the provision does not curtail the freedom or mobility of worker to seek alternative jobs. Second, the security sought to be conferred is with respect to employment on specified *land* which implies that the sale or transfer of land would not interrupt employment. Third, the provision is important as an essential complement to the Bill's objective of regulation of wages; this can be seen from the fact that a land owner cannot evade payment of 'prescribed wages' either by engaging a new hand willing to work on lower wages or by a notional transfer of land. The provision should also strengthen the hands of workers and their unions in insisting on payment of 'prescribed wages' and, thus stimulate the emergence of workers organisations. Fourth, an undesirable consequence of the provision could be an increase in the number of agricultural workers remaining openly unemployed due to the security of employment enjoyed by a part of the labour force in agriculture. In a sense, this would represent not so much an overall increase in unemployment as coming out into open of widespread under-employment of agricultural workers co-existing with and caused by lack of security of employment. Fifth, this likely increase in open unemployment would be a signal that attempts to regulate wages and employment conditions in agriculture need to go along with schemes offering guaranteed employment to those unable to find work in the labour market in agriculture.

4. Fixation of Working Hours

The Bill provides that no adult worker shall be required to work for more than 8 hours a day and no adolescent or child for more than 6 hours a day. It also provides that no worker shall work for more than 4 hours before he has had an interval for rest for at least half an hour. Excepting harvesting and related operations, hours of work put in by a worker in excess of normal working hours in a day shall be paid at twice his ordinary rates of wages.

5. Provident Fund

This fund is to be administered by a Board in accordance with a scheme to be framed by the Government. The Board will consist of equal number of representatives of agricultural workers, of land owners and of the Government. The landowner shall pay contribution to the Fund at the rate of 5 per cent of the wages paid by him and an equal contribution shall be paid by the worker. The amount of provident fund standing to the credit of a worker shall not be capable of being assigned or charged and shall not be liable to attachment for any debt or liability incurred by the worker.

6. Other Provisions

The Bill lays down that every local authority shall maintain a register of agricultural workers residing within its jurisdiction. It also requires every landowner to keep prescribed registers and records relating to his workers. The Bill provides for stiff penalties and punishment, including imprisonment upto six months, for non-compliance with or contravention of the requirements imposed by the legislation on the landowner.

7. Exemption

The Bill does not apply to plantations which are covered by the Plantations Labour Act. It also exempts small cultivators holding upto one hectare of land from provisions relating to security of employment, provident fund, fixation of working hours and maintenance of registers and records; however, they are not exempted from payment of 'prescribed wages'. For the purpose of this exemption, the total land held by a cultivator, including the land in the name of his wife and unmarried minor children, is to be taken into account.

GMGIPND—4 Agri.—Mono (N)—5,000.

ERRATA

PART XV—AGRARIAN REFORMS

Page No.	Paragraph/Appendix/ Table No.	Line	As printed	As desired
1	2	3	4	5
4	65.1.11	6	tht	the
7	65.1.23	3	et	yet
7	65.1.23	6	he	the
8		4	ear	year
9		9	landhoders	landholders
11	footnote[1]	1	(p.15):6	(p.10):17
11	footnote[2]	1	Congres	Congress
15	65.1.41 (iv)	2	rens	rents
18	65.2.2	28	country"[2]	country"[1]
18	footnote	1	1924-69[5]	1924-69 : 5
18	footnote	3	bid:, 1 (p. 27) : 9	*Delete this line*
20		3	shal	shall
21	footnote[1]		Ibid 1 (p.27) : 15-16	Ibid 1 (p.18): 15-16
21	footnote[2]		Ibid 1 (p.27): 23—26	Ibid 1 (p. 18): 23—26
22	65.2.14 (ii)	4	tilelr	tiller
23	footnote[2]		Ibid 1 (p. 34) : 27	Ibid: 27
26	footnote[1]		Ibid 1 (p. 34)	Ibid 1 (p. 23)
27	footnote[1]		Ibid 1 (p. 37) :197	Ibid 1 (p. 25): 197
29	footnote[1]		Ibid 102-103	Ibid 1 (p.28): 102-10
30	footnote[1]		Ibid 1 (p.42): 58	Ibid 1 (p.28): 58
31	footnote[1]		Ibid 1 (p.42)	Ibid 1 (p.28)
31	footnote[2]		Ibid 1 (p.42)	Ibid
31	footnote[4]		Ibid: 55	[4]Ibid: 55
33	65.2.51 (iii)	1	cultication	cultivation
59	66.3.10 (ii)	4	casto-	custo-

1	2	3	4	5
80	66.5.4	1	duling	ruling
92	footnote	3	1 hectare-2.17109 acres	1 hectare-2.47109 acres
136	III	4	limit to	(i) Level of ceiling—The ceiling for a family upto 5 members is limited to
136	III	5	limited to (a) class I—15 acres; (b) class II—18 acres; (c) class	*Delete the line*
150	67.3.8	1	NEE	NSS
150	67.3.8	10	(.42 ha)	(2.02 ha)
158	67.4.16 (i)	17	enforemnt	enforcement
159		2	a dequate	adequate
169	6	3	should be discouraged. Ceiling limits as in ownership holdings	should be made applicable to operational holdings as well
174	Appendix 67.1	Heading	India	India[1]
179	Appendix 67.6	Row 7 Col. 1	405—607	4.05—6.07
179	Do.	Row 8 Col. 1	607	6.07
179	Do.	Row 9 Col. 4	9678	96.78
179	Do.	Row 5 Col. 6	7995	79.95
179	Do.	Row 8 Col. 6	9442	94.42
181	Appendix 67.7	Row 7 Col. 1	5—0.100	5.0—10.0
181	Do.	Row 5 Col. 2	2,253	3,253
181	Do.	Row 7 Col. 3	718	7.18
194	Table 68.2	Row 6	86.5	86.51
203	Table 68.3	Heading	Consolidation	Consolidation[1]
203	Do.	footnote	1969	[1]1969
216	Table 68.6	Row 1	101—2.02	1.01—2.02
229	14	6	67.7.5	68.7.5
249	Table 69.5	footnote	(p. 224)	(p. 244)

1	2	3	4	5
252	Table 69·5	1	Ibid 1 (p. 224)	[1]Ibid 1 (p. 244)
257	69.3.1	15	69.5'	69.5[1]
279	(iii)	15	(200 sq.m.)	(209 sq.m)
279	(iii)	last	(41.81 sq.m)	(418.1 sq. m)
298	footnote (e)	2	samp	sample in
301	Appendix 69.4	Row 8	11896	118.96
305	Appendix 69.5	27 Col. 5	200	2.00
306	Do.	Col. 6 last but one line	800	8.00